

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Susan Norman - Vol. 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION
4 LEWIS, BRISBOIS, BISGAARD)
5 & SMITH, LLP,)
6 PLAINTIFF,) CIVIL ACTION NO:
7 VS.) 4:22-CV-3279
8 MICHAEL JOSEPH BITGOOD)
a/k/a "MICHAEL EASTON," ET)
AL,)
DEFENDANTS.)

10 ORAL AND VIDEOTAPED DEPOSITION OF

11 SUSAN C. NORMAN

12 | July 26, 2023

13 | VOLUME 1 OF 2

16 ORAL DEPOSITION OF SUSAN C. NORMAN, produced as a
17 witness at the instance of the PLAINTIFF, and duly
18 sworn, was taken in the above-styled and numbered cause
19 on July 26, 2023 from 10:47 a.m. to 3:00 p.m., before
20 Allison Garrett, CSR in and for the State of Texas,
21 reported by machine shorthand, at Lewis, Brisbois,
22 Bisgaard & Smith, 24 Greenway Plaza, Suite 1400,
23 Houston, Texas 77046, pursuant to the Federal Rules of
24 Civil Procedure and the provisions stated on the record
25 or attached hereto.

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

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1 APPEARANCES			2 EXHIBITS CONTINUED		
1	2 NO.	3 DESCRIPTION	4 PAGE	5	6
3 FOR THE PLAINTIFF:					
4 Bennett G. Fisher, Esq.		3 Exhibit 42 Plaintiff's "Soft" Objections.....	75		
5 Anh Nguyen, Esq.		4 Exhibit 43 Registration of LLP.....	16		
6 LEWIS, BRISBOIS, BISGAARD & SMITH		5 Exhibit 45 Plaintiff's Third Amended Petition.....	79		
24 Greenway Plaza		6 Exhibit 48 E-mail from East Pro Law.....	84		
7 Suite 1400		7 Exhibit 49 Letter from Susan C. Norman.....	89		
8 Houston, Texas 77046		8 Exhibit 57 Letter from Bennett Fisher.....	87		
7 (713) 659-6767					
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27 Dallas, Texas 75251					
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30 ALSO PRESENT:					
31 Myra Thetford, Videographer					
32					
33					
34 INDEX					
35 2 Appearances.....	2				
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37 4 SUSAN C. NORMAN					
38 5 Examination by Mr. Bennett.....	5				
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43 10 EXHIBITS					
44 11 NO.	12	13	14	15	16
45 DESCRIPTION	EXHIBIT 1	Notice of Deposition.....	54	(July 26, 2023, 10:47 a.m.)	
46 PAGE	EXHIBIT 2	E-mail from Susan Norman.....	55	2	
	EXHIBIT 3	E-mail from Susan Norman.....	56	3	THE VIDEOGRAPHER: Today is Wednesday
	EXHIBIT 4	E-mail from Susan Norman.....	58	4	July 26th, 2023. We're on the record at 10:48 a.m.
	EXHIBIT 6	E-mail from Susan Norman.....	59	5	THE COURT REPORTER: Can I have all counsel
	EXHIBIT 11	E-mail from Susan Norman.....	62	6	please state your appearance and who you represent.
	EXHIBIT 12	E-mail from Susan Norman.....	65	7	MR. FISHER: My name is Bennett Fisher. I
	EXHIBIT 14	E-mail from Susan Norman.....	69	8	represent the law firm of Lewis, Brisbois, Bisgaard &
	EXHIBIT 15	E-mail from Susan Norman.....	73	9	Smith. With me today is Anh Nguyen, one of our
	EXHIBIT 16	E-mail from Susan Norman.....	74	10	associates, as well as Elizabeth Heart who is our summer
	EXHIBIT 18	Advisory to the Court.....	74	11	associate.
	EXHIBIT 38	Application to Register Foreign LLP.....	9	12	THE WITNESS: My name is Susan Norman. I
	EXHIBIT 39	Certificate of Filing.....	12	13	am a defendant and I'm here pro se.
	EXHIBIT 40	Assumed Name Certificate.....	13	14	MR. BITGOOD: My name is Michael Joseph
				15	Bitgood. I'm the lead defendant in this case, Lewis,
				16	Brisbois, Bisgaard & Smith versus Bitgood here pro se.
				17	MR. DUNWOODY: This is Wallace Dunwoody
				18	here for Brad Beers.
				19	THE COURT REPORTER: I'm sorry. Here for
				20	who?
				21	MR. DUNWOODY: Brad Beers, B-R-A-D
				22	B-E-E-R-S.
				23	SUSAN NORMAN,
				24	having been first duly sworn, testified as follows:
				25	EXAMINATION

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<p>1 BY MR. FISHER:</p> <p>2 Q. Please state your full name for the record.</p> <p>3 A. Susan Cecilia Norman.</p> <p>4 Q. And your home address?</p> <p>5 A. 5826 Green Falls, Houston, Texas 77088.</p> <p>6 Q. And your office address?</p> <p>7 A. 10900 Northwest Freeway, Houston, Texas 77092.</p> <p>8 Q. And your Texas driver's license number?</p> <p>9 A. I decline to provide that. I will give you the last four, which are publicly available: 9259.</p> <p>11 Q. How are you employed?</p> <p>12 A. I am self-employed as a lawyer.</p> <p>13 Q. And how long have you been an attorney?</p> <p>14 A. Since 1990.</p> <p>15 Q. I'm going to ask you to take a look at a document that we've marked as Exhibit 38.</p> <p>17 MR. BITGOOD: Excuse me a second. Are there exhibits that were not given to us before this deposition, Mr. Fisher?</p> <p>20 MR. FISHER: There are exhibits that I'm going to use in this deposition. The court reporter -</p> <p>22 MR. BITGOOD: You didn't think to send it to us the day before, sir, so we can see them? How are we supposed to see them by Zoom?</p> <p>25 MR. BITGOOD: The court reporter will make</p>	<p>6 1 at the same -</p> <p>2 MR. BITGOOD: Can the court reporter e-mail 3 us the 38 or whatever number of exhibits so I can put 4 them on this screen and look at them as the witness is 5 being questioned because I might have an objection to an 6 exhibit and I can't see it.</p> <p>7 MR. FISHER: It's a deposition.</p> <p>8 MR. BITGOOD: You were supposed to e-mail 9 it to everybody last night.</p> <p>10 MR. FISHER: I don't have to do that. Can 11 you send them to him?</p> <p>12 MR. BITGOOD: If your position is you don't 13 have to do that, then I'm going to object to this 14 witness testifying from an exhibit that neither myself, 15 Mr. Beers, or Mr. Dunwoody can see and allege a proper 16 objection. So I don't have to instruct this witness. 17 She knows better. Send us the exhibits.</p> <p>18 THE WITNESS: I'm going to give you 19 Mr. Bitgood's email address. It is east -</p> <p>20 E-A-S-T-P-R-O-L-A-W at M-S-N dot com. Mr. Dunwoody, I 21 don't know what your e-mail address is. I apologize.</p> <p>22 MR. DUNWOODY: It is W-D-U-N-W-O-O-D-Y at 23 Munk Wilson, and it's spelled M-U-N-C-K-W-I-L-S-O-N dot 24 com.</p> <p>25 MR. BITGOOD: I think now we can safely go</p>	8
<p>1 them available to you.</p> <p>2 MR. BITGOOD: But you didn't send them to 3 us so we could review them before the deposition.</p> <p>4 MR. FISHER: I didn't know what I was going 5 to use until I started talking.</p> <p>6 MR. BITGOOD: Okay. Well, apparently, you 7 have a bunch of exhibits that you did not give 8 Mr. Dunwoody or myself so that we can review them as 9 you're asking the witness questions. So how can we see 10 them on Zoom to make a proper objection if we can't see 11 the exhibits?</p> <p>12 MR. FISHER: Are you going to post them on 13 Zoom?</p> <p>14 THE COURT REPORTER: I - can we go off of the 15 record?</p> <p>16 MR. FISHER: Sure.</p> <p>17 THE VIDEOGRAPHER: Off the record at -</p> <p>18 THE WITNESS: No, I object to going off the 19 record.</p> <p>20 MR. BITGOOD: I cannot hear Ms. Norman now.</p> <p>21 THE WITNESS: I object to going off the 22 record for this.</p> <p>23 MR. FISHER: Alright. Let's stay on the 24 record.</p> <p>25 THE COURT REPORTER: I can't talk and write</p>	<p>7 1 off the record until those exhibits arrive, please.</p> <p>2 THE WITNESS: That's fine with me.</p> <p>3 THE VIDEOGRAPHER: Off the record at 4 10:53 a.m.</p> <p>5 (Break taken from 10:52 a.m. to 11:11 a.m.)</p> <p>6 THE VIDEOGRAPHER: Back on the record at 7 11:12 a.m.</p> <p>8 (Exhibit 38 marked.)</p> <p>9 Q. (BY MR. FISHER) Ms. Norman, I'm going to hand 10 you what we've previously marked as Exhibit 38 and ask 11 you if you've seen that document before or if you can 12 identify that document.</p> <p>13 A. I will look at it, but first I want to make 14 sure that you know that I intend to read and sign, so I 15 will require that this be sent to me.</p> <p>16 I have seen this document before. It is 17 Document 10-31 filed on October the 6th, 2022. And this 18 is case 4:22-CV-03279, and I'll refer to that in the 19 future as this case. I have seen this before.</p> <p>20 Q. Okay. You'll agree with me that this is an 21 application for a registration of a foreign limited 22 liability partnership?</p> <p>23 MR. BITGOOD: Objection to the form. The 24 document speaks for itself. Go ahead and answer, 25 Ms. Norman.</p>	9

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<p>1 A. The document does say that it's an application 2 for registration of a foreign limited liability 3 partnership. 4 MR. FISHER: I'm sorry. I have to go back. 5 Mr. Easton, were you just instructing the witness that 6 it's okay for her to answer the question? 7 MR. BITGOOD: Objection, nonresponsive. 8 Mr. Fisher, go ahead and take your deposition, please. 9 When it's your turn to depose me, then you can have that 10 fun. Move along, please. 11 MR. FISHER: I was just curious as to why 12 you were instructing the witness - 13 MR. BITGOOD: Well, you shouldn't be 14 curious. Okay? Don't be curious. This is not the time 15 to be a daisy. Move along. 16 Q. (BY MR. FISHER) And you would agree with me 17 that this document was filed on March 28th, 2022? 18 A. No, I don't. 19 Q. You don't. Why not? 20 A. Well, because the Secretary of State did not 21 identify this document as being in its possession until 22 June the 9th of 2022. 23 Q. Okay. So you don't think that the stamp that's 24 at the upper right corner where it says "Filed in the 25 Office of the Secretary of the State of Texas" was</p>	10	<p>1 A. L-E-W-I-S, B-R-I-S-B-O-O-S, B-I-S-G-A-A-R-D, 2 ampersand, S-M-I-T-H, LLP. 3 Q. Thank you. I'm going to ask you now to take a 4 look at Exhibit 39. 5 (Exhibit 39 marked.) 6 A. Under the rule of optional completeness, I have 7 an objection to this document standing alone as 8 Exhibit 38. It is part of Document 10 and it is 9 apparently the 31st attachment to Document 10. So under 10 the rule of optional completeness, I am including as a 11 fully set forth verbatim in herein Document 10, which is 12 hearing exhibits, which are apparently to the hearing 13 that was set for October the 6th, 2022 in this case. 14 Q. All right. Your objection is noted, but this 15 document also says that it's Page 1 of 2. And if you'll 16 note, this is a two-page document that I've handed you, 17 correct? 18 A. It is a document which has a front and back 19 under - on the same document, and the back of it says 20 Page 22 - 2 of 2. 21 Q. Okay. So it's a two-page document and I've 22 handed you both pages and both pages are included in 23 this exhibit, correct? 24 A. Yes. 25 Q. Okay. Now, I'm going to hand you what we've</p>	12
<p>1 actually an indication that the document was filed on 2 that date? 3 A. No, sir, because the Secretary of State 4 indicated that this is a - this is a paper filing. 5 This is not a - an online filing. And the Secretary of 6 State indicated that they were backed up on mail, so 7 they put in the date that it was - the page - the 8 envelope was received, but the document itself was not 9 available online until June the 9th, 2022. 10 Q. Okay. 11 MR. FISHER: I'm going to object as 12 nonresponsive. 13 Q. (BY MR. FISHER) The document is file stamped 14 March 28th, 2022, correct? 15 A. It is backdated to March the 28th, 2022. 16 Q. Do you know who backdated the document if the 17 document was, in fact, backdated? 18 A. It was the person - whoever is opening mail at 19 the Secretary of State's office. 20 Q. Okay. On Line Number 1, there is a name of an 21 entity typed in. Can you please read that - the name 22 of that entity? 23 A. Lewis, Brisbois, Bisgaard & Smith, LLP. 24 Q. And can you spell each of the words on that 25 name?</p>	11	<p>1 marked as Exhibit 39 and ask you to identify that for 2 the record. 3 A. This is Document 10-32 in this case. It is a 4 one-page document. And it is a certificate of filing of 5 this four-name law firm, the foreign entity, File Number 6 804594502 issued by the Texas Secretary of State 7 effective March 28th, 2022, dated March 28th, 2022. 8 Q. And this is the - the name of the entity is 9 the same as you read from Exhibit 38, correct? 10 A. Yes, it is. 11 Q. Okay. And the spelling is the same? 12 A. Yes, it is. 13 Q. I'm going to hand you what we have previously 14 marked as Exhibit 40. 15 (Exhibit 40 marked.) 16 Q. (BY MR. FISHER) I'm going to ask you to 17 identify this document for the record. 18 MR. BITGOOD. Your 40 is not showing up. 19 Hold on, please. 20 A. And again, under exhibit - 21 Q. (BY MR. FISHER) Let's wait for Mr. Easton to 22 acknowledge that he has it in front of him. Mr. Easton, 23 have you found it? 24 MR. BITGOOD: Not yet, sir. I have it, but 25 it won't open, so let me start again. 40, correct?</p>	13

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1	MR.FISHER: Yes.	14	1 A It's a domestic limited liability partnership. 2 domestic meaning state of Texas. 3 Q Okay. So what does a limited liability 4 partnership mean under Texas law?	17 1 Forfeit. It says June 22 2 Q (By MR.FISHER) All right. Take a look at 3 Number 2. And it says the name of the entity is a sole 4 in its sole name - and can you read that out loud? 5 A Lewis, Bisbols, Bisgaard & Smith, LLP. 6 Q And is the spelling the same as the spelling of 7 Lewis, Bisbols, Bisgaard & Smith on Exhibits 38 and 39? 8 A Yes, it is. 9 Q Is there a - and this is a 10 partnership that you formed? 11 A It was a partnership of which I was a member. 12 Q Okay. Who were the other members? 13 A Michael Joseph Bigood. 14 Q Okay. And in the film, is there a Lewis, 15 anybody named Lewis? 16 A No. 17 Q Okay. Is there anybody named Bisbols? 18 A No. 19 Q Is there anybody named Bisgaard? 20 A No. 21 Q Is there anybody named Smith? 22 A No. 23 Q Okay. Now, take a look at Number 5 and 24 A Okay. Now, take a look at Number 2, Section 2. 25 on this document, on this form.
16	1 A It's a domestic limited liability partnership. 2 domestic meaning state of Texas. 3 Q Okay. So what does a limited liability 4 partnership mean under Texas law?	14	5 Q Right. This is a one-page document. 6 A It's registration of a limited liability partnership 7 This document. Exhibit 40 in this case 8 This document. Exhibit 40 in this case 9 Document 10-35. It's Page 1 of 2 The front says 10 "Assumed Name Certificate For Filing With the Secretary 11 of State." The assumed name is Lewis, Bisbols, 12 Bisgaard & Smith filed on March - excuse me, May 31st 13 2022. 14 Q I'm going to ask you to look at the top hand 15 next to the Office of the Secretary of State corporation 16 section and take a look at the date just for accuracy. 17 the date of the filing. It says Filed in the Office of 18 the Secretary of State? 19 A Yes, it does, June 1, 2022. 20 Q Okay. So you agree with me that the 21 Secretary of State recorded or recognized the date of 22 filing of this document as June 1, 2022? 23 A That's what this document says. 24 MR.BIGOOD: Ms. Norman, give me a chance 25 to object. I object to the form. The document speaks	16 1 A It's a domestic limited liability partnership. 2 domestic meaning state of Texas. 3 Q Okay. So what does a limited liability 4 partnership mean under Texas law?
17	1 A This document is Page 1 of 2 The front says 2 Q (By MR.FISHER) All right. Take a look at 3 Number 2. And it says the name of the entity is a sole 4 in its sole name - and can you read that out loud? 5 A Lewis, Bisbols, Bisgaard & Smith, LLP. 6 Q And is the spelling the same as the spelling of 7 Lewis, Bisbols, Bisgaard & Smith on Exhibits 38 and 39? 8 A Yes, it is. 9 Q Is there a - and this is a 10 partnership that you formed? 11 A It was a partnership of which I was a member. 12 Q Okay. Who were the other members? 13 A Michael Joseph Bigood. 14 Q Okay. And in the film, is there a Lewis, 15 anybody named Lewis? 16 A No. 17 Q Okay. Is there anybody named Bisbols? 18 A No. 19 Q Is there anybody named Bisgaard? 20 A No. 21 Q Is there anybody named Smith? 22 A No. 23 Q Okay. Now, take a look at Number 5 and 24 A Okay. Now, take a look at Number 2, Section 2. 25 on this document, on this form.	15 1 A This document is Page 1 of 2 The front says 2 Q (By MR.FISHER) All right. Take a look at 3 Number 2. And it says the name of the entity is a sole 4 in its sole name - and can you read that out loud? 5 A Lewis, Bisbols, Bisgaard & Smith, LLP. 6 Q And is the spelling the same as the spelling of 7 Lewis, Bisbols, Bisgaard & Smith on Exhibits 38 and 39? 8 A Yes, it is. 9 Q Is there a - and this is a 10 partnership that you formed? 11 A It was a partnership of which I was a member. 12 Q Okay. Who were the other members? 13 A Michael Joseph Bigood. 14 Q Okay. And in the film, is there a Lewis, 15 anybody named Lewis? 16 A No. 17 Q Okay. Is there anybody named Bisbols? 18 A No. 19 Q Is there anybody named Bisgaard? 20 A No. 21 Q Is there anybody named Smith? 22 A No. 23 Q Okay. Now, take a look at Number 5 and 24 A Okay. Now, take a look at Number 2, Section 2. 25 on this document, on this form.	15 1 A This document is Page 1 of 2 The front says 2 Q (By MR.FISHER) All right. Take a look at 3 Number 2. And it says the name of the entity is a sole 4 in its sole name - and can you read that out loud? 5 A Lewis, Bisbols, Bisgaard & Smith, LLP. 6 Q And is the spelling the same as the spelling of 7 Lewis, Bisbols, Bisgaard & Smith on Exhibits 38 and 39? 8 A Yes, it is. 9 Q Is there a - and this is a 10 partnership that you formed? 11 A It was a partnership of which I was a member. 12 Q Okay. Who were the other members? 13 A Michael Joseph Bigood. 14 Q Okay. And in the film, is there a Lewis, 15 anybody named Lewis? 16 A No. 17 Q Okay. Is there anybody named Bisbols? 18 A No. 19 Q Is there anybody named Bisgaard? 20 A No. 21 Q Is there anybody named Smith? 22 A No. 23 Q Okay. Now, take a look at Number 5 and 24 A Okay. Now, take a look at Number 2, Section 2. 25 on this document, on this form.	

Video-taped Deposition of Susan Norman - Vol. 1

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1	A Yes.	3 Tell me what kind of a partnership was filed based on this representation?
2	Q Tell me what kind of a partnership was filed	2 A Why is there? I don't know.
3	3 including the formation of business entities, you can't	2 Q So after 30 years of the practice of law
4	4 tell me the difference between a limited liability partnership and a general partnership.	3 including the formation of business entities, you can't
5	5 partnership and a general partnership.	4 tell me the difference between a limited liability
6	6 A I told you, many years ago I may have formed a	5 business entity, I don't practice forming general
7	7 business entity, I don't practice forming general	6 A I told you, many years ago I may have formed a
8	8 partnerships of limited liability, I do not form them.	7 business entity, I don't practice forming general
9	9 And for the purposes of optional completeness, I am	8 partnerships of limited liability, I do not form them.
10	10 introducing Norman Ettinger Number 1, which is the entire	9 And for the purposes of optional completeness, I am
11	11 document.	10 introducing Norman Ettinger Number 1, which is the entire
12	12 Q Ms. Norman, when I'm done with my examination,	11 document.
13	13 you can examine yourself and introduce whatever you	12 Q Ms. Norman, when I'm done with my examination,
14	14 wait.	13 you can examine yourself and introduce whatever you
15	15 A Okay.	14 wait.
16	16 Q Now, I want to go back to Exhibit 40, which I	15 A Okay.
17	17 believe is in front of you. Do you have that in front	16 Q Now, I want to go back to Exhibit 40, which I
18	18 of you?	17 believe is in front of you. Do you have that in front
19	19 A Yes, I do.	18 of you?
20	20 Q Okay, On the bottom left corner of that	19 A Yes, I do.
21	21 document, who does it say filed this assumed name	20 Q Okay, On the bottom left corner of that
22	22 A Yes, there is.	21 document, who does it say filed this assumed name
23	23 Q Okay, So this document is the registration	22 A Yes, there is.
24	24 of the immigrating entity known as Lewis, Brisbois, Bisgaard	23 Q Okay, So this document is the registration
25	25 the immigrating entity known as Lewis, Brisbois, Bisgaard	24 of the immigrating entity known as Lewis, Brisbois, Bisgaard
1	1 A Tell me both entities into configuration with each	25 formed as a general partnership; is that right?
2	2 Q Other, tell me both entities into configuration with each	26 formed as a general partnership; is that right?
3	3 Q Okay, So what's the entity that you and	27 formed as a general partnership; is that right?
4	4 Mr. Brisgood were partners in? Was it a limited	28 formed as a general partnership; is that right?
5	5 liability partnership or was it a general partnership?	29 formed as a general partnership; is that right?
6	6 A It was a limited liability partnership.	30 formed as a general partnership; is that right?
7	7 Q Then why does this form state that the	31 formed as a general partnership; is that right?
8	8 partnership was a general partnership?	32 formed as a general partnership; is that right?
9	9 A I don't know.	33 formed as a general partnership; is that right?
10	10 MR. BRIGGOOD: Object.	34 formed as a general partnership; is that right?
11	11 Q (BY MR. FISHER) You don't know?	35 formed as a general partnership; is that right?
12	12 A I don't know.	36 formed as a general partnership; is that right?
13	13 Q Okay, Did you ask the question when you saw	37 formed as a general partnership; is that right?
14	14 this form?	38 formed as a general partnership; is that right?
15	15 A No, I did not.	39 formed as a general partnership; is that right?
16	16 Q (BY MR. BRIGGOOD) Do you know	40 formed as a general partnership; is that right?
17	17 Mr. Brisgood have the entity that was filed by	41 formed as a general partnership; is that right?
18	18 the features does the entity that was filed by	42 formed as a general partnership; is that right?
19	19 partnership?	43 formed as a general partnership; is that right?
20	20 A The features are that this is for mediation and	44 formed as a general partnership; is that right?
21	21 related services to mediation.	45 formed as a general partnership; is that right?
22	22 Q No, this is a limited liability partnership. Why	46 formed as a general partnership; is that right?
23	23 would this be a limited liability partnership? Why is	47 formed as a general partnership; is that right?
24	24 there a difference between a limited liability	48 formed as a general partnership; is that right?
25	25 partnership and a general partnership?	49 formed as a general partnership; is that right?

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1	MR. FISHER: Object, nonresponsive.	22	1 Between the partnership's name as general partnership 2 versus a limited liability partnership 3 A. And as we sit here today, do you still maintain 4 Q. And as we sit here today, do you still maintain 5 understand that answer. 6 A. That's my answer. 7 Q. Okay. Why did you use the name Lewis. 8 Brisbode, Brisgaard & Smith? 9 A. Because when I found out on March the 11th of 10 12th of 2022 that the foreign LLP was not authorized to 11 do business in Texas and yet was appearing in Texas 12 counts prominently representing the defendant. 13 A. This document is entitled registration of a 14 A. This document is entitled registration of a 15 Q. Okay. So why not use Fulbright and Jaworski? 16 Nobody's using that. 17 A. I didn't look up Fulbright and Jaworski. 18 Q. Okay. Why did you look up Lewis, Brisbode. 19 Brisgaard & Smith? 20 A. Because it has - interesting enough, I have 21 found multiple entities which have lost their right to 22 do business in Texas as your firm did multiple times in 23 Texas and yet your firm does things throughout the United 24 States in multiple jurisdictions where it operates. 25 It's right to do business has been lost.	23	1 not an answer that I'm prepared to discuss or give. 2 Q. (BY MR. FISHER) All right. And also my 3 understanding is you also don't know the difference 4 between a limited liability partnership and a general 5 partnership under Texas law? 6 A. My answer, Mr. Fisher, is that I have not 7 researched the differences because it has not come up in 8 my practice, if ever, to compare and contrast the two. 9 Q. Why did you form this business with 10 Mr. Biggood? 11 A. We found that the unauthorized entity, the 12 California LLP, was assisting us in drafting 13 the CARES Act and committing crimes against the citizens 14 of Fort Bend County. 15 And we took action to be available to 16 mediate matters related to the business entity 17 purportedly represented by Lewis, Brisbode, Brisgaard & 18 Smith at a time when they had no right to do business in 19 Texas for filing fraudulent lawsuits for evasion 20 against municipalities in Fort Bend County and putting 21 people out on the street who had no ability or the 22 financial whereabouts to fight illegal evictions. 23 Q. Is that your answer? 24 A. That is my answer. 25 Q. Okay.
2	Q. (BY MR. FISHER) Can you - so you're saying -	24	1 Between the partnership's name as general partnership 2 versus a limited liability partnership 3 A. No, I did not	24	
3	Q. And as we sit here today, do you still maintain	25	4 Q. And as we sit here today, do you still maintain 5 that this entity was a limited liability partnership? 6 A. I maintain that was limited partnership. 7 which was stated in the formation document 8 Q. What is a general partnership. And I'm 9 looking at Exhibit 43, line 2. 10 A. I'm looking at - 11 MR. DUNWODY: Object, argumentative. 12 assumes facts that are not in evidence or disputed. Go 13 ahead.	25	
4	4. that business with Mr. Biggood, and I didn't really	26	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	26	
5	3. trying to understand why you formed - why you went	27	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	27	
6	2. understanding that answer.	28	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	28	
7	1. A. That's my answer.	29	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	29	
8	8. Brisbode, Brisgaard & Smith?	30	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	30	
9	9. A. Because when I found out on March the 11th of	31	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	31	
10	10. 12th of 2022 that the foreign LLP was not authorized to	32	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	32	
11	11. do business in Texas and yet was appearing in Texas	33	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	33	
12	12 counts prominently representing the defendant.	34	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	34	
13	13. A. This document is entitled registration of a	35	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	35	
14	14. A. This document is entitled registration of a	36	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	36	
15	15. Q. Okay. So why not use Fulbright and Jaworski?	37	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	37	
16	16. Nobody's using that.	38	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	38	
17	17. A. I didn't look up Fulbright and Jaworski.	39	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	39	
18	18. Q. Okay. Why did you look up Lewis, Brisbode.	40	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	40	
19	19. Brisgaard & Smith?	41	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	41	
20	20. A. Because it has - interesting enough, I have	42	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	42	
21	21. found multiple entities which have lost their right to	43	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	43	
22	22. do business in Texas as your firm did multiple times in	44	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	44	
23	23. Texas and yet your firm does things throughout the United	45	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	45	
24	24. States in multiple jurisdictions where it operates.	46	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	46	
25	25. It's right to do business has been lost.	47	12 assumes facts that are not in evidence or disputed. Go 13 ahead.	47	

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1 A. Why not?	26	1 Answer. All I know is that he worked with him.	2 A. Because there were a lot of considerations that went into this name, partly which included the fact that	3 A. That's something you'll have to ask	4 Mr. Bigood.	5 Q. Okay. What's your business history besides	6 People who are letting action against him?	7 Legally, and it seemed that why not?	8 Q. Where's the first time you heard the name of the	9 A. I believe it was when your managing partner who	10 A. I believe it was when your managing partner who	11 allowed the name to be expedited and not authorized to do	12 business in Fort Bend County, which is the loss of	13 defendant entity and several individuals in the state	14 court case in Fort Bend County, which is the loss of	15 which for your firm generated this September 23rd filing	16 ten days after they lost in court	17 Q. Well, let me - give me a date. I want to know	18 the first date. If you're just referring whenever	19 that answer was filed in county court in Fort Bend	20 County, was it January or 2022? Was it February?	21 A. I was March 11th - I believe it was March	22 the 11th 2022	23 Q. Okay. So March 11th, 2022, was when you first	24 heard the name Lewis, Bigood, Biggaard & Smith?	25 A. Okay. So March 11th - I believe it was March	26 A. There may have been an email from David Outre,	27 1 the managing partner before that but I don't know.
2 A. You don't know -	27	2 A. Well, he doesn't have details, so -	3 Q. No, he's the one that you know to any people who	4 A. The manager in which I begin representing	5 clients is attorney/client privilege between me and a	6 partner/client	7 Q. Well, not if it was between you and	8 Mr. Bigood, though, was it? Because the two would not be	9 privileged	10 Mr. BTGOOD. Object to the form of the	11 question. If it's during as a paralegal, anything like	12 about 15 years.	13 Q. What do you mean litigating together? Is he an	14 attorney?	15 A. No, he's not	16 Q. Okay. So how do you litigate together?	17 A. We have been in multiple cases where he is a	18 party and I represent other parties.	19 Q. Okay. How did you meet Mr. Bigood?	20 A. I was referred to a wonderful, now deceased	21 lawyer named Peter Riga, and Mr. Bigood worked with	22 him.	23 Q. How did Mr. Bigood work with Michael - Peter	24 Riga?	25 A. That's something that I'm not qualified to			
3 A. That's something you'll have to ask	28	3 A. That's something you'll have to ask	4 Mr. Bigood.	5 Q. Okay. What's your business history besides	6 People who are letting action against him?	7 Legally, and it seemed that why not?	8 Q. Where's the first time you heard the name of the	9 A. I believe it was when your managing partner who	10 A. I believe it was when your managing partner who	11 allowed the name to be expedited and not authorized to do	12 business in Fort Bend County, which is the loss of	13 defendant entity and several individuals in the state	14 court case in Fort Bend County, which is the loss of	15 which for your firm generated this September 23rd filing	16 ten days after they lost in court	17 Q. Well, let me - give me a date. I want to know	18 the first date. If you're just referring whenever	19 that answer was filed in county court in Fort Bend	20 County, was it January or 2022? Was it February?	21 A. I was March 11th - I believe it was March	22 the 11th 2022	23 Q. Okay. So March 11th, 2022, was when you first	24 heard the name Lewis, Bigood, Biggaard & Smith?	25 A. Okay. So March 11th - I believe it was March	26 A. There may have been an email from David Outre,	27 1 A. Well, he doesn't have details, so -		
4 Mr. Bigood.	29	4 Mr. Bigood.	5 Q. Okay. What's your business history besides	6 People who are letting action against him?	7 Legally, and it seemed that why not?	8 Q. Where's the first time you heard the name of the	9 A. I believe it was when your managing partner who	10 A. I believe it was when your managing partner who	11 allowed the name to be expedited and not authorized to do	12 business in Fort Bend County, which is the loss of	13 defendant entity and several individuals in the state	14 court case in Fort Bend County, which is the loss of	15 which for your firm generated this September 23rd filing	16 ten days after they lost in court	17 Q. Well, let me - give me a date. I want to know	18 the first date. If you're just referring whenever	19 that answer was filed in county court in Fort Bend	20 County, was it January or 2022? Was it February?	21 A. I was March 11th - I believe it was March	22 the 11th 2022	23 Q. Okay. So March 11th, 2022, was when you first	24 heard the name Lewis, Bigood, Biggaard & Smith?	25 A. Okay. So March 11th - I believe it was March	26 A. There may have been an email from David Outre,	27 1 A. Well, he doesn't have details, so -			

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1	MR. BRIGGOOD: Object to the form of the question. Object to the grounds of relevance.	30
2	Q. So you're not going to tell me whether you paid him with cash or check?	31
3	MR. FISHER: That's not a proper objection	32
4	In a deposition, I'm not telling you, no, sir. You can ask a judge Elson to compel me.	33
5	Q. Do you pay him by the hour or do you pay him -	1
6	MR. BRIGGOOD: Okay. Mr. Fisher, it's	2
7	7:15. Can we break please, then come back after	3
8	8:15?	4
9	MR. FISHER: After my - no, we're not	5
10	I'm going to take lunch right now. I want to know the	6
11	11 answers.	7
12	MR. BRIGGOOD: No, no, hanging on.	8
13	13. Mr. Fisher, As you know, I'm under a doctor's care.	9
14	14. We got to see whether I'm laid to. We got to go to the	10
15	15 bathroom when I'm laid to. So in about ten minutes, I'm	11
16	16 going to invoke the trial privilege given to me by Judge	12
17	17 Elson.	13
18	18. MR. FISHER: Who told you to go to the	14
19	19 the law. When I need a little for a particular point,	15
20	20. MR. BRIGGOOD: Do we want to do it	16
21	21 voluntarily or do we want to fight on something as	17
22	22 remedial as that?	18
23	23. MR. FISHER: I want to know who told you to	19
24	24. go to the bathroom because I didn't hear anything. If	20
25	25. you need to go to the bathroom, you can ask to take a	21
1	Q. And how have you compensated Mr. Biggood?	22
2	A. Generally, I say thank you.	23
3	Q. So you've never paid him?	24
4	A. Well, yes. I have paid him.	25
5	Q. Okay. How do you compensate him?	26
6	MR. BRIGGOOD: Object to the form of the	27
7	question.	28
8	A. I'm going to object on the basis of	29
9	9. I'll move object privilege between me and my client as to	30
10	10. what do on their behalf and who I use to represent my	31
11	11 clients.	32
12	Q. (BY MR. FISHER) Well, I just asked how you	33
13	13. compensate Mr. Biggood. He already compensated today	
14	14. that he's a paralegal for you. You've already engaged that	
15	15. on occasions, many occasions, he's been your paralegal	
16	16. And it sounds like you've handled him on a number of	
17	17. occasions, but on other occasions you've paid him. I	
18	18. Just want to know how you pay him.	
19	19. A. Well, as to the - its relevance in this case,	
20	20. I'm deciding to the relevance. It's not - what I have	
21	21. done -	
22	22. Q. Relativity defendants are not applicable in	
23	23. this deposition. So if you refuse to answer, then I'm	
24	24. going to ask Judge Elson to compel your answer.	
25	25. A. Then you're welcome to do that.	

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1	THE VIDEOGRAPHER. Back on the record at 1208 pm	34	1 A. You've never asked him why?	1 A. I believe I started in 1985.	2 A. And when did you finish?	2 A. And when did you know, on my phone it shows one minute. Would you like me to screen it and send it to you?	2 MR. BTGOOD. Bennett, just so you know, on my phone it shows one minute. Would you like me to screen it and send it to you?	3 A. 1988.	4 A. And when did you first take the barexam?	5 A. 1990.	6 A. Okay. Why did you wait two years to take the barexam?	7 A. Okay. Why did you wait two years to take the barexam?	8 A. Okay. Why did you wait two years to take the barexam?	9 A. Mr. Biggood is a friend of mine and has been 10 A. (BY MR. FISHER) If you graduated in 1988, did you take the barexam in 1988?	11 A. No. I did not.	12 A. No. I did not.	13 cell and was staying calm.	14 A. (BY MR. FISHER) All right. Mr. Biggood's real name is Michael J. Joseph Biggood.	15 real name, surname Biggood or Estes?	16 MR. BTGOOD. Object to the form.	17 A. His real name is Michael J. Joseph Biggood.	18 AKA Michael Estes.	19 A. (BY MR. FISHER) Okay. Do you know why he uses an assumed name?	20 A. No, sir.	21 A. So you've known him for - only 20 years.	22 A. (BY MR. FISHER) You've known him both as Michael Estes and Michael	23 you've known him for - only 20 years.	24 Biggood?	25 A. That's correct.
2	1 related to this case.	35	1 A. I believe I started in 1985.	2 A. And when did you finish?	2 A. And when did you know, on my phone it shows one minute. Would you like me to screen it and send it to you?	2 MR. BTGOOD. Bennett, just so you know, on my phone it shows one minute. Would you like me to screen it and send it to you?	3 A. 1988.	4 A. And when did you first take the barexam?	5 A. 1990.	6 A. Okay. Why did you wait two years to take the barexam?	7 A. Okay. Why did you wait two years to take the barexam?	8 A. Okay. Why did you wait two years to take the barexam?	9 A. Mr. Biggood is a friend of mine and has been 10 A. (BY MR. FISHER) If you graduated in 1988, did you take the barexam in 1988?	11 A. No. I did not.	12 A. No. I did not.	13 cell and was staying calm.	14 A. (BY MR. FISHER) All right. Mr. Biggood's real name is Michael J. Joseph Biggood.	15 real name, surname Biggood or Estes?	16 MR. BTGOOD. Object to the form.	17 A. His real name is Michael J. Joseph Biggood.	18 AKA Michael Estes.	19 A. (BY MR. FISHER) Okay. Do you know why he uses an assumed name?	20 A. No, sir.	21 A. So you've known him for - only 20 years.	22 A. (BY MR. FISHER) You've known him both as Michael Estes and Michael	23 you've known him for - only 20 years.	24 Biggood?	25 A. That's correct.	
3	36	34	1 A. You've never asked him why?	2 A. I have not.	2 A. I have not.	2 A. I have not.	2 A. I have not.	3 A. Okay. What's your date of birth?	4 A. My year is 1947. I'd hate to give you the 5 month and day.	6 A. Why?	7 A. It's personal information. This is not a subpoena duces tecum. This is not a subpoena 8 with anybody, while we were on a break?	9 A. Yes.	10 A. With whom?	11 A. Mr. BTGOOD. Mr. Fisher, just say you 12 A. And did you talk to him by phone or did you 13 talk	14 A. I did not talk to him. I did not call him.	15 A. How did you communicate with him?	16 A. By phone.	17 A. Okay. What did you talk about?	18 A. He told me to stay calm.	19 A. What else?	20 A. That's all he told me.	21 A. How long was the conversation?	22 A. A couple minutes.	23 A. Okay. Well, stay calm sounds to me like three 24 or four seconds, so what else did you talk about?	25 A. We didn't talk about - we talked about nothing				

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Videotaped Deposition of Susan Norman - Vol. 1

<p>1 A. 1990.</p> <p>2 Q. With respect to the partnership between you and</p> <p>3 Mr. Bilgood that was formed in - well, it was formed in</p> <p>4 May of 2022?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. Did either of you put up any money or</p> <p>7 capital into the partnership?</p> <p>8 A. I know that I didn't.</p> <p>9 MR. BITGOOD: Object to form.</p> <p>10 Q. (BY MR. FISHER) You did not?</p> <p>11 A. No.</p> <p>12 Q. Okay. Who kept the books and records of the</p> <p>13 partnership?</p> <p>14 A. Mr. Bilgood.</p> <p>15 Q. Okay.</p> <p>16 A. To the extent that there were any.</p> <p>17 Q. Who paid for the post office box at the - I</p> <p>18 think it's a UPS Store?</p> <p>19 A. I know that I did not.</p> <p>20 Q. Okay. Do you know if anybody did?</p> <p>21 A. I don't know that independently, no, sir.</p> <p>22 Q. You never asked Mr. Bilgood?</p> <p>23 A. No.</p> <p>24 Q. He never asked you for any money to contribute</p> <p>25 to the partnership?</p>	38	<p>1 as I recall.</p> <p>2 Q. Okay. What were the - were you a defendant or</p> <p>3 were you a plaintiff in the lawsuits?</p> <p>4 A. I was a defendant.</p> <p>5 Q. Okay. And what were the allegations?</p> <p>6 A. Sitting here today, Mr. Fisher, one of them was</p> <p>7 by a putative temporary guardian who alleged I did not</p> <p>8 turn over my client's funds to the temporary guardian.</p> <p>9 That was dismissed.</p> <p>10 One was by a former client who, it turned</p> <p>11 out, who filed a grievance - brought a lawsuit, which</p> <p>12 the state bar dismissed when they realized he was lying.</p> <p>13 He subsequently sued me and that case was ultimately</p> <p>14 dismissed.</p> <p>15 Q. Okay. And the third one?</p> <p>16 A. I've been a party in a bankruptcy matter for</p> <p>17 that same lawsuit, which was ultimately, gosh,</p> <p>18 dismissed. I'm not sure. It's been a while, so my</p> <p>19 memory is imperfect and I - require, if I need to, I</p> <p>20 will respond appropriately later, but at this point, I</p> <p>21 don't recall.</p> <p>22 Q. When was that bankruptcy matter?</p> <p>23 A. It was not - gosh, 2008/2009. I don't recall.</p> <p>24 It was not my bankruptcy. It was a bankruptcy of my</p> <p>25 client's client as far as I recall. It's very - my</p>	40
<p>1 A. No.</p> <p>2 Q. Whose idea was it to form that partnership?</p> <p>3 A. I don't know if it was his idea or if it was</p> <p>4 mutual.</p> <p>5 Q. Okay. Have you been a party to any other</p> <p>6 lawsuits?</p> <p>7 A. Yes.</p> <p>8 Q. Can you tell me about them?</p> <p>9 A. No, sir.</p> <p>10 Q. Why not?</p> <p>11 A. Whatever lawsuits I may have been a party to</p> <p>12 are public record, so -</p> <p>13 Q. Well, tell me what city or county those</p> <p>14 lawsuits were in and then I can look them up on public</p> <p>15 record.</p> <p>16 A. Harris County, Harris County.</p> <p>17 Q. All of them?</p> <p>18 A. May have been Fort Bend County as well.</p> <p>19 Q. How many times have you been a party to a</p> <p>20 lawsuit?</p> <p>21 MR. BITGOOD: Object to form.</p> <p>22 A. Objection, form. Probably two or three.</p> <p>23 Q. (BY MR. FISHER) Okay. What types of lawsuits?</p> <p>24 A. I've been party to lawsuits by the state bar,</p> <p>25 all of which were dismissed except - except one as far</p>	39	<p>1 memory is imperfect on that.</p> <p>2 Q. Okay. What type of an action was that?</p> <p>3 A. I don't remember.</p> <p>4 Q. Okay. All right. Let's go back to your</p> <p>5 history. What did you do between 1971 when you</p> <p>6 graduated college and 1985 when you went to law school?</p> <p>7 A. I joined the Marine Corps.</p> <p>8 Q. Okay. And what did you do in the Marines?</p> <p>9 A. I took the oath. I was told that I would be</p> <p>10 going directly into officer's candidate school once a</p> <p>11 class of female OCS candidates was collected. A</p> <p>12 year-and-a-half later, I heard nothing, so I sent a</p> <p>13 letter and resigned. I worked for several banks. I</p> <p>14 worked for Hertz Rent-a-Car. I worked for Cayman</p> <p>15 Airways. I worked for Frontier Airlines.</p> <p>16 Q. Is that it?</p> <p>17 A. And - yes, that's it.</p> <p>18 Q. Okay. Why did you go to law school?</p> <p>19 MR. BITGOOD: Object to form.</p> <p>20 A. I object to form. Because -</p> <p>21 Q. (BY MR. FISHER) What's the basis of the</p> <p>22 objection?</p> <p>23 A. It's irrelevant.</p> <p>24 Q. Okay. Relevancy is not a proper objection.</p> <p>25 A. Okay. The basis for my - I object to form.</p>	41

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1	1. It's a whole lot shorter than saying all four 2 names.	42	7. A. We been doing a lot of objectives to 8. guarantee business and its clients business, its pretty 7 have seen of the way in which your law firm conduct is 6. I mean it from the standpoint that from what I 5. Business to Bobo? 4. It has a positive sense of are you just shortening 3 thought it could make a difference in representing 6. types of cases do you litigation? 7. A. We been doing a lot of objectives to 8. guarantee business and its clients business, its pretty 9. sure that when certain - when the object of the 10. guardianship does that their inheritance is protected 11. A lot of guardianship type litigation, appellate work, 12. federal - federal litigation 13. Q. What types of cases? 14. A. Right now, employment law, legal malpractice, 15. probate matters. 16. Q. Do you practice law with anybody or just by 17. yourself? 18. A. I practice by myself 19. Q. Okay, Did you practice with Peter Riga? Was 20. he a partner of yours? 21. A. He was never a partner or associate. I was 22. honored to have him in my office for a number of years. 23. Q. Okay. And you practice with your husband Fred? 24. A. Not really. When he gets into a litigation 25. situation, I normally do the litigation.	45
2	2. Take the tip up with Judge Elison, but realistically, I 3. thought it could make a difference in representing 4. people. 5. Q. Now, you said that you're a litigation. What 6. types of cases do you litigation? 7. A. We been doing a lot of objectives to 8. guarantee business and its clients business, its pretty 9. sure that when certain - when the object of the 10. guardianship does that their inheritance is protected 11. A lot of guardianship type litigation, appellate work, 12. federal - federal litigation 13. Q. What types of cases? 14. A. Right now, employment law, legal malpractice, 15. probate matters. 16. Q. Do you practice law with anybody or just by 17. yourself? 18. A. I practice by myself 19. Q. Okay, Did you practice with Peter Riga? Was 20. he a partner of yours? 21. A. He was never a partner or associate. I was 22. honored to have him in my office for a number of years. 23. Q. Okay. And you practice with your husband Fred? 24. A. Not really. When he gets into a litigation 25. situation, I normally do the litigation.	43		
3	3. A. Okay. And it's your testimony that our law 2 firm, Lewis, Brooks, Dsigard & Smith, represented 3. Imperial Lotts in an eviction proceeding? 4. A. No, it is not my position. 5. Q. Okay, I thought you said that our firm did 6. something - 7. A. It does - your firm represents the Imperial 8. Lotts. Whether or not the LLC - I might which the 9. have to look - as an entity, which is a defendant in a 10. case that arises out of Imperial Lotts, attempt to 11. legally end my client, Richard Jones. 12. Q. Okay. Now, you understand that the law firm 13. doesn't really practice law, that lawyers practice law, 14. correct? You know that as a lawyer? 15. A. Of course I know that as a lawyer. 16. Q. So the law firm, even if it did represent 17. Imperial Lotts in that case, didn't end anybody. 18. A. I didn't say that the law firm ended anybody. 19. I said they - I believe what I said was they represent 20. the entity which attempted to legally end my client 21. Q. Did any lawyer in this firm represent Imperial 22. Lotts in the eviction proceeding? 23. A. No. 24. Q. That's correct. 25. MR. BRIGGS: Object to the sidebar.	45		
4	4. MR. BRIGGS: Object, form. 5. Q. BY MR. FISHER: Now, the case you described 6. earlier about the eviction, how were you involved in 7. that case? 8. A. The state court case that - 9. Q. Yes. 10. A. - generated this case? 11. Q. Well, I don't think I generated this case, but 12. I'm talking about the - 13. A. Your partner has said that the state court case 14. generated this case, so I'm just showing something he 15. said but I represent a person who was being legally 16. evaded by - ultimately which became Lewis Bobo - 17. excuse me, Lewis Brooks's client. 18. Q. Why did you just say Lewis Bobo? 19. A. Because that's the short name that I have for 20. this law firm. 21. Q. And is that a name that you created or that 22. Mr. Briggs created? 23. MR. BRIGGS: Object to the form. 24. A. God, I really couldn't tell you. 25. Q. BY MR. FISHER: Myself?	45		

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1	A (By MR. FISHER) This guy got involved only in 2 the defense of a lawsuit by Mr. Jones, and I think 3 Mr. Bigood, for allegedly wrongfully evading?	46
2	Q. Okay, Because I think either you or your 3 partner said that David Oubre was not authorized to 4 practice law in Texas at one time or another in Fort 5 Bend County court in front of Judge Ellison 6 in one of those forums, either you or 7 Mr. Bigood said that David Oubre is not authorized to 8 practice law.	47
9	MR. BRIGGOOD: Object as to form. The 10 Please. Object to the form. What is it? Did we do anything 11 Please. Object to the form. What is it? Did we do anything 12 multilateral. We didn't do anything, Sash, one lawyer 13 represented the firm. We didn't do anything, 14 or did a lawyer represent? 15 Q (By MR. FISHER) Do you understand the 16 question?	48
17	MR. FISHER: I do.	49
18	A (By MR. FISHER) I don't recall Mr. Bigood having said those 19 words, but what I do recall is Mr. Oubre did not 20 do anything - as a partner, as an employee.	50
21	22 to do business in Texas.	51
22	23 And so far as I know, Mr. Oubre did not 24 independently represent anybody in that case. So 25 Mr. Oubre was not authorized because he lost the Rule 12	52
26	4 found that this firm was not authorized. And I believe 3 statements were made, but I will tell you that Judge White 6 motion to show authority.	53
27	5 Mr. Oubre was not authorized because he lost the Rule 12	54
28	10 Q (By MR. FISHER) Okay, Well that's 11 only the State Bar of Texas has the authority to provide 12 individual with the ability to practice law and no 13 other governing body?	55
29	14 A That is -	56
30	8 MR. BRIGGOOD, Object as to form.	57
31	7 Q (By MR. FISHER) Okay, Well that's 8 been suspended or lost this license to practice law.	58
32	5 has been practicing law for many years and has never 6 been suspended or lost this license to practice law.	59
33	4 Q (By MR. FISHER) Now, you do understand that David Oubre 3 A Yes.	60
34	1 that's how you got to know David Oubre 2 and the law firm of Lewis, Brisbois, Boggs & Smith?	61
35	1 representation, that's how you got to know David Oubre	62
36	2 and the law firm of Lewis, Brisbois, Boggs & Smith?	63
37	3 A Well, you're making an assumption that I know	64
38	4 something. No, I don't know that	65
39	5 A Can she please read the question back.	66
40	6 answer, but my question was very straightforward.	67
41	7 A Can she please read the question back.	68
42	8 (Rephrased portion was read.)	69
43	9 A Right. That's your statement. I have no	70
44	10 located him up on the state bar website so that I	71
45	11 can assume that you're telling the truth.	72
46	12 can assume that you want me to assume things that I	73
47	13 A Can she please read the question back.	74
48	14 A Right. That's your statement. I have no	75
49	15 Q You don't know the Oubre. Well that's an	
50	16 answer, but my question was very straightforward.	
51	17 A Can she please read the question back.	
52	18 (Rephrased portion was read.)	
53	19 A Can she please read the question back.	
54	20 located him up on the state bar website so that I	
55	21 can assume that you're telling the truth.	
56	22 can assume that you want me to assume things that I	
57	23 have no personal knowledge.	
58	24 Q (By MR. FISHER) No, I'm asking you if you have	
59	25 knowledge.	

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE
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1	I am in no position to make that statement. I've never	50
2	using a lawyer for this firm who is not a sole	52
3	practitioner, what was filed was void because there was	
4	no authority to conduct business in Texas.	
5	Q. And he gains this authority to practice law	
6	through the state bars delegated by the Supreme Court	
7	of the State of Texas, correct?	
8	Q. Okay. So notice Secretary of State's office	
9	and not the corporation's office. Neither of those	
10	offices have the authority to determine who can practice	
11	law and who can't.	
12	THE VIDEOGRAPHER: Back on the record at	
13	12:39 p.m.	
14	14:50 p.m.	
15	A. I have to leave by 3 o'clock. I have a	
16	16-minute period at my home that I must take care of.	
17	If you're not done, you can continue this by Zoom. I'm	
18	18 available tomorrow if you'll send me the exhibits.	
19	19 however you want to do that but I have no choice	
20	20 about taking care of this person at my home.	
21	21. Q. (BY MR. FISHER) Okay. Well, we're going to	
22	22 continue in person, but I won't be tomorrow.	
23	23. A. Okay.	
24	24. Q. All right.	
25	25. A. And number two, you asked me a couple of	
1	1. A. Yes. I'm looking at the docket of the	51
2	2 cases, 4:22-CV-3279. And I will recall and I will add	
3	3 under optional completeness when I cross examine myself.	
4	4. This law firm, probably for the second or	
5	5 third time since it entered Texas, lost its client to	
6	6 operate as a law firm in Texas on March 9th, 2022.	
7	7. To the best of my recollection, Mr. Oubre filed an	
8	8 answer in this case on March 11th, 2022 on behalf of	
9	9 this firm, not on his own individual behalf.	
10	10. Q. Well, didn't he sign the pleading?	
11	11. A. He signed the pleadings, but he didn't sign the	
12	12 pleading -	
13	13. Q. As an attorney?	
14	14. A. He signed as an attorney working for this firm,	
15	15. Which had no right to appear in a Texas court	
16	16. Q. So what do you think that the remand is for a	
17	17 company that's operating in Texas without authorization	
18	18 under Texas law? And you've been a lawyer now for 30	
19	19 years.	
20	20. MR. BRIGGOOD: Objection as to form. You	
21	21 said company or law firm?	
22	22. MR. FISHER: Any entity.	
23	23. MR. BRIGGOOD: Susan, may I suggest if you	
24	24. A. Well, it's my understanding from reading the	
25	25. don't make the court reporter go through miles of tape.	

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1	A. You asked me about statutory authority for 1. confine your remarks to a deposition form.	54
2	MR. BRGOOD: Okay.	55
3	(Exhibit 3 marked)	56
4	Q. (BY MR. FISHER) I'm going to hand you what 5. we've marked as Exhibit 3 and ask you to identify that 6. group of documents from 7. A. Okay.	57
8	A. Well, this goes along with the statutory 9. authority - signed 27th of September 2022. It is 10. Exhibit C to Document 60, filed on 11/28/22.	58
11	Q. Okay. That's not responsive to any question.	59
12	but let's move forward.	60
13	I'm going to hand you what we marked as 14. Exhibit 1.	61
15	(Exhibit 1 marked)	62
16	MR. BRGOOD: That would be the notice of 17. deposition, Mr. Fisher.	63
17	16. So between November 2020 and January 2021, the firm had 18. in Texas. 19. The entity it has was expected looks like a 20. least move over the course of time - because it was 21. friendly - the reason I sent it, I was friendly marked. 22. Q. Okay. That's not responsive, but - 23. A. You asked me why. 24. Q. Okay. So you were marked. So you sent this 25. because you were marked?	64
23	Q. And you're here today pursuant to this notice?	65
24	A. Yes.	66
25	Q. Okay. I'm going to hand you what we marked	67
1	1. A. (Exhibit Number 2) 2. (Exhibit 2 marked)	68
3	Q. (BY MR. FISHER) You can confirm to me that 2. 1,000-hour law firm would allow itself to be depoived 3. of the authority to do business and represent clients in 4. Texas.	69
5	5. Q. Okay. But as of May when you sent this e-mail, 6. you knew that there was a law firm whose name was Lewis, 7. Briscoe, Briggard & Smith, did you not?	70
8	8. A. I did.	71
9	9. Q. And you also know if you look at Exhibit 39, 10. that the effective date was March 28th, 2022, of the 11. legal document that appears in the records of the Texas 12. Secretary of State until June the 31st, 2022.	72
13	13. A. Because I continually checked to see if you - 14. the Texas Secretary of State showed that your firm had 15. renewed its business - it's authority to do business in 16. Texas. And according to the Texas Secretary of State, 17. it had rights of March - May 22nd, 2023.	73
18	18. Q. Okay. And you thought that gave you 19. permission, then, to use the name Lewis, Briscoe, 20. Briggard & Smith?	74
21	21. A. Yes.	75
22	22. MR. BRGOOD: Let me know when you're going 23. to make an objection, Ms. Norman, before you blur out 24. another answer.	76
25	25. A. I told you, June the 31st, 2022.	77

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

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Infinity Reporting Group, LLC

1. Q. Okay. And yet, you continued to use the name 2. Lewis, Bisbols, Bisgaard & Smith in Texas had been 3. renewed and was recognized?	58	1. A. Well, I can answer that this way. 2. A. It's kind of a yes or no. 3. A. MR. BRIGGOD. Q: Option is to form, was 4. recognized. 5. A. Option to form also. The e-mail reads, 6. "According to the self-statement, Chase Hotel name 7. availability rules do not apply to LLP registrations as 8. they do to corporate registrations. 9. Although the March 26th, 2022 paper trial 10. online-filing was only accepted June 9th, the SOS' 11. Secretary of State, backdates it to the date of the SOS 12. don't recall the date, but we have a date today. 13. judgment on file as to who is entitled to use the name 14. paper filings is COVID and they have not caught up with 15. paper filings since the COVID lockdown." 16. Q. (BY MR. FISHER) Okay. And just to be clear, 17. SOS is your shorthand for Secretary of State? 18. A. That's what I just said, yes. 19. Q. Okay. You said the first time, not the 20. second. I just wanted to make sure that's clear. So 21. it's fair to say that as of June 9th, 2022, you knew 22. that Lewis, Bisbols, Bisgaard & Smith, LLP, the 23. California limited liability partnership, had renewed 24. its registration with the State of Texas? 25. A. I can answer it this way. I know that the 25. we've marked as Exhibit Number 4. And is this not an
1. A. Yes, it is. The time on this email is 2. Exhibit 4 is 12:29 pm. And I don't know if I mentioned 3. Exhibit 3 is 12:31 pm. This one is the subject. 4. on Exhibit 3, it's 12:31 pm. This one is the subject. 5. The Houston Office of Lewis Bodo. 6. Q. Lewis Bodo? 7. A. The subject says Houston Office of Lewis 8. Bodo. 9. Q. And again, that's - that's your perspective 10. name for Lewis, Bisbols, Bisgaard & Smith? 11. A. That's my short name for this firm. And 12. it's - you can characterize it as perspective if you 13. wish.	59	1. email from you to Mr. Esteban also on May 31st, 2022? 2. A. Yes, it is. The time on this email is 3. Exhibit 4 is 12:29 pm. And I don't know if I mentioned 4. on Exhibit 3, it's 12:31 pm. This one is the subject. 5. The Houston Office of Lewis Bodo. 6. Q. Lewis Bodo? 7. A. The subject says Houston Office of Lewis 8. Bodo. 9. Q. And again, that's - that's your perspective 10. name for Lewis, Bisbols, Bisgaard & Smith? 11. A. That's my short name for this firm. And 12. it's - you can characterize it as perspective if you 13. wish.
1. Q. Okay. Can you identify this document for the 2. Court? 3. A. Okay, Lewis, Bisbols, Bisgaard & Smith had renewed its registration 4. with the State of Texas, yes. 5. A. Okay. What's your objection? 6. Q. Okay, Mr. FISHER. That was my question. My 7. understanding is that Secretary of State 8. had renewed its registration to do business and 9. business in the state of Texas, yes or no? 10. A. I'm going to object to form. And I'm going to 11. say subject to do that objection, the Secretary of State 12. had renewed the registration to do business and 13. do business in the state of Texas, yes or no? 14. MR. FISHER. Object, no response. 15. Q. (BY MR. FISHER) That was my question. My 16. question was: As of June 9th, you know that Lewis, 17. Bisbols, Bisgaard & Smith had renewed its registration 18. authority to do business in Texas? 19. A. Okay form. The answer is yes. 20. Q. Okay, Mr. FISHER. What's your objection? 21. A. My objection is that Secretary of State 22. had a paper copy does not detail the fact that 23. the Texas LLP had been filed and accepted by the 24. Secretary of State. 25. Q. I didn't ask you that question.	60	1. June 9th that the registration or re-registration of 2. Q. Okay. And this confirms that you knew on 3. June 9th, 2022, at 13:31 pm from me to: Bisbols 4. Bisbols, Bisgaard & Smith in this case. It was sent Tuesday, 5. May 22nd, 2023, in this case. It was sent Tuesday, 6. June 9th, 2023, in this case. It was sent Tuesday, 7. you can identify the email 8. document that we marked as Exhibit 6 and ask you if 9. Q. (BY MR. FISHER) I'm going to hand you a 10. document that I've marked as Exhibit 6 and ask you if 11. A. That's my short name for this firm. And 12. it's - you can characterize it as perspective if you 13. wish.
1. A. Yes, I can. 2. Q. Okay. Can you identify this document for the 3. Court? 4. A. Okay, Lewis, Bisbols, Bisgaard & Smith had renewed its registration 5. with the State of Texas, yes or no? 6. A. Okay, Lewis, Bisbols, Bisgaard & Smith had renewed 7. its registration to do business and 8. business in the state of Texas, yes or no? 9. A. Okay, that's - that's your perspective 10. name for Lewis, Bisbols, Bisgaard & Smith? 11. A. That's my short name for this firm. And 12. it's - you can characterize it as perspective if you 13. wish.	61	1. A. Yes, I can. 2. Q. Okay, Can you identify this document for the 3. Court? 4. A. Okay, Lewis, Bisbols, Bisgaard & Smith had renewed its registration 5. with the State of Texas, yes or no? 6. A. Okay, Lewis, Bisbols, Bisgaard & Smith had renewed 7. its registration to do business and 8. business in the state of Texas, yes or no? 9. A. Okay, that's - that's your perspective 10. name for Lewis, Bisbols, Bisgaard & Smith? 11. A. That's my short name for this firm. And 12. it's - you can characterize it as perspective if you 13. wish.

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Susan Norman - Vol. 1

<p>1 A. Okay. That's my explanation for my answer.</p> <p>2 Q. I only asked you if you knew as of June 9th</p> <p>3 that Lewis, Brisbois, Bisgaard & Smith had authority to</p> <p>4 do business. It might have been as of March 28th, but I</p> <p>5 didn't ask you that question. My question is when did</p> <p>6 you know that Lewis, Brisbois, Bisgaard & Smith had</p> <p>7 authority to do business in the state of Texas again?</p> <p>8 A. Now, to that question, I can say June 9th.</p> <p>9 Q. 2022?</p> <p>10 A. 2022.</p> <p>11 Q. Okay. I'm going to hand you what we've marked</p> <p>12 as Exhibit 11.</p> <p>13 (Exhibit 11 marked.)</p> <p>14 A. Okay.</p> <p>15 Q. (BY MR. FISHER) And ask you to identify that</p> <p>16 e-mail for the record.</p> <p>17 A. It's also part of Document 173. It is an</p> <p>18 e-mail sent Thursday, October 6th, 2022, at 9:00 p.m. to</p> <p>19 East Pro Law, subject: Sec state letter, attachments:</p> <p>20 2022 10-06 SCN letter Secretary of State.</p> <p>21 Q. Okay. What does that mean, SCN letter?</p> <p>22 A. Susan C. Norman.</p> <p>23 Q. Okay. And the 10-6 is the date, October 6th?</p> <p>24 A. That's correct.</p> <p>25 Q. All right. Why did you send this letter to</p>	62	<p>1 MR. BITGOOD: Objection, form, speculation.</p> <p>2 A. You're assuming that after having a hearing</p> <p>3 where your partner made assertions which were not true</p> <p>4 to the Court and used a fraudulent document with the</p> <p>5 Court, we still heard the Court's soft request that this</p> <p>6 case be concluded and that's my analysis.</p> <p>7 Q. (BY MR. FISHER) All right.</p> <p>8 MR. FISHER: Objection, nonresponsive.</p> <p>9 A. No, you're asking me – excuse me. I'm going</p> <p>10 to finish my – you can strike it if you want, ask the</p> <p>11 Court to strike it, but I have more to say.</p> <p>12 It would be foolish for me to have started</p> <p>13 another company with this name after ceasing operations</p> <p>14 and letting the Court know that we had ceased</p> <p>15 operations. So the answer is, no, we could not have</p> <p>16 done that in good conscience.</p> <p>17 Q. (BY MR. FISHER) Okay. But you're assuming,</p> <p>18 are you not, that I think that it was perfectly okay for</p> <p>19 you to use the name in the first place, right, with that</p> <p>20 amount of logic?</p> <p>21 MR. BITGOOD: Objection, form.</p> <p>22 A. Objection, form. It was perfectly okay.</p> <p>23 Q. (BY MR. FISHER) That wasn't my question. My</p> <p>24 question was you're assuming that I think –</p> <p>25 MR. BITGOOD: Objection, form.</p>	64
<p>1 Mr. Easton – Easton or Mr. Bitgood?</p> <p>2 A. Because we agreed to cease operations of the</p> <p>3 limited liability partnership.</p> <p>4 Q. Okay. And the next page of that exhibit is a</p> <p>5 letter to the Secretary of State, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. All right. And what is it about this letter</p> <p>8 that you think is significant?</p> <p>9 MR. BITGOOD: Objection, form.</p> <p>10 A. What I think is significant is that as of – as</p> <p>11 of the date of the first hearing in this case where the</p> <p>12 Court heard arguments as to this matter, we took the</p> <p>13 Court's soft request to heart and dissolved – agreed to</p> <p>14 dissolve the partnership and cease operations. I think</p> <p>15 that's what I think is significant. This case could</p> <p>16 have been over on October the 6th or the 7th.</p> <p>17 Q. (BY MR. FISHER) Okay. But absent any other</p> <p>18 court order to the contrary, you could just form a new</p> <p>19 company, couldn't you, with the same name?</p> <p>20 MR. BITGOOD: Objection, form.</p> <p>21 A. Objection, form. Absolutely not.</p> <p>22 Q. (BY MR. FISHER) Why not? What is it about</p> <p>23 this letter that would preclude you from forming another</p> <p>24 company called Lewis, Brisbois, Bisgaard & Smith?</p> <p>25 A. Common sense.</p>	63	<p>1 Q. (BY MR. FISHER) – or the 1,600 lawyers in our</p> <p>2 firm think that it was okay for you to use the name in</p> <p>3 the first place.</p> <p>4 MR. BITGOOD: Objection, form. We know of</p> <p>5 one lawyer who thought it was okay. His name was David</p> <p>6 Oubre.</p> <p>7 MR. FISHER: Objection, sidebar. And I</p> <p>8 hate to call the judge over stuff like this, Michael.</p> <p>9 Would you please just use the rules? Don't abuse them.</p> <p>10 MR. BITGOOD: Okay, Bennett. In all</p> <p>11 fairness, Bennett, how are you going to ask the witness</p> <p>12 what you were thinking? Think about that.</p> <p>13 MR. FISHER: I just asked her based upon –</p> <p>14 I'm going to withdraw that.</p> <p>15 (Exhibit 12 marked.)</p> <p>16 Q. (BY MR. FISHER) I'm handing you or I've handed</p> <p>17 you what I've marked as Exhibit 12. And I will</p> <p>18 represent to you that that's an e-mail that you wrote to</p> <p>19 Mr. Bitgood on October 6th, 2022, at 8:34 p.m. Can you</p> <p>20 confirm that?</p> <p>21 A. Yes, I can.</p> <p>22 Q. Okay. And –</p> <p>23 A. Excuse me. If you want me to identify this, it</p> <p>24 is Document 173, Page 3 of 18.</p> <p>25 Q. This is not Document 173. It might have been</p>	65

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE
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1	Filed with the federal court as part of Document 173.	98
2	A That's exactly what it was.	99
3	Q. But that e-mail was sent independently of Document 173, it was sent on October 6th, 2022, at 5:34 p.m., best belief to Mr. Biggoli.	100
4	Document 173 was filed with the Court in May 8 of this year.	101
5	Q. Document 173 was filed with the Court in May 8 of this year.	102
6	A That's correct.	103
7	Q. Document 173 was filed with the Court in May 8 of this year.	104
8	A That's correct.	105
9	Q. That's correct and we're tested to that already as to Document 173.	106
10	Q. Okay, Now, in 201, it says, "The parties have ceased the operation of their regular partnership business". So my question is: What's a regular business?	107
11	11. The rights and obligations of a general partner and 12. understand this. I know what a general partner is and 13. understand this. I know what a limited partner is and 14. A It's a description of this partnership.	108
15	15. Q. Okay, Now, going to the signature blocks on Page 3, I need your help on this because I need to 16. Page 3, Now, going to the signature blocks on 17. understand this. I know what a general partner is and 18. the rights and obligations of a limited partner and 19. know what a limited partner is and understand this. 20. rights and obligations of a limited partner, but you have to tell me what is a general limited partner?	109
21	21. have to tell me what is a general limited partner?	110
22	22. A There should have been a slash after -between general and limited.	111
23	23. general and limited.	112
24	24. Q. Should have been?	113
25	25. A There should have been.	114
1	1. Q. Well -	67
2	2. A There isn't. I should have put it there.	68
3	3. Q. You had a first general limited partner and you had a second general limited partner. So if you put a slash there what would the slash have meant?	69
4	4. A General partner, limited partner. This may be a limited partner, limited partner. This may be a general partner, limited partner. So if you put a slash there what would the slash have meant?	70
5	5. A General partner, limited partner. This may be a limited partner, limited partner. This may be a general partner, limited partner. So if you put a slash there what would the slash have meant?	71
6	6. A General partner, limited partner. This may be a limited partner, limited partner. This may be a general partner, limited partner. So if you put a slash there what would the slash have meant?	72
7	7. A At the bottom - it's on the signature page.	73
8	8. It says first general limited partner Michael Joseph Norman, the second general limited partner is Susan C. 9. It says first general limited partner Michael Joseph Norman, the second general limited partner is Susan C.	74
9	10. Q. All right. Would you agree with me that every limited partner under the signature page is a limited partner?	75
11	11. Q. Court, the Honorable Keith Ellison, that there was no put on notice to the Secretary of State and to the put on notice to the Secretary of State and to the 12. temporary restraining order that Order dated the 6th, 2022, it need to continue this case or for an injunction or for a 13. A Simply because you filed this document?	76
14	14. A Simply because in good conscience this document was filed and then was later followed up with a 15. document filed before the completion of the documents 16. which I don't have before me at this point.	77
17	17. which I don't have before me at this point.	78
18	18. And I will note that the Secretary of State 19. permitted - as I prefered to this may be permitted the permitted partnership to be wound up and dissolved.	79
20	20. I filed my notice before I did not form a general limited partnership 21. partnerships 30 years ago. In the few times that have done anything related to forming entities and - 22. done anything related to forming entities and - 23. Q. Who drafted this document?	80
24	24. A I drafted it.	81
25	25. Q. Okay, Now, it says that you briefly	82

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Susan Norman - Vol. 1

<p>1 that this is another e-mail to Mr. Bitgood on 2 October 6th, this time about an hour later at 9:28 p.m. 3 Can you confirm that? 4 A. As part of Document 173 that was filed on 5 May 22nd, 2023, and it's – the time is correct, October 6 6th, 9:28 p.m. 7 Q. All right. Now, I've got attached to that a 8 letter to Judge Ellison also dated October 6th, but 9 signed by Mr. Bitgood. 10 A. Yes, sir. 11 Q. So why are you sending a letter from you to 12 Mr. Bitgood if he's the one that wrote the letter, or 13 did you write the letter for his signature? 14 A. I don't believe that – if it's one long scan, 15 then there are attachments missing because one long scan 16 does not reflect a one-page document. 17 Q. Okay. And you're referring to the subject line 18 on the first page of that exhibit? 19 A. Yes. 20 Q. All right. I don't know what one long scan 21 means. Can you tell me? 22 A. Well, what it means is if you look at the first 23 line of the letter, "I enclose the paperwork filed on an 24 even date with the Texas Secretary of State, which 25 resolves grievances set forth by plaintiff pro se." And</p>	70	<p>1 Q. (BY MR. FISHER) All right. So Peter Riga, 2 Ph.D. J.S.D. J.D. LL.M. S.L.D. Th.D. Ph.L Emeritus, what 3 does all that mean? 4 A. Do you understand what Ph.D. means? 5 Q. Yeah. He's a doctor of philosophy. 6 A. J.S.D. is, I am assuming, a legal status from 7 some – he's a J.D., he's a master at laws. S.T.D., I 8 think, is something with divinity and divinity – 9 theological divinity. That was Mr. Riga's – 10 Q. What's Ph.L? 11 A. I think it's philosophy of law. I don't know. 12 I did not create this letterhead. 13 Q. Do you know who did? 14 A. When he was alive, Peter J. Riga. 15 Q. Okay. And you say that you officed next to or 16 with Peter Riga? 17 A. He had his own space independent of me in my 18 office. 19 Q. Okay. And what was Mr. Bitgood's relationship 20 with Mr. Riga? 21 MR. BITGOOD: Oh, tell him, please. 22 A. Mr. Bitgood worked for Mr. Riga at various 23 times. They were very close friends. 24 Q. (BY MR. FISHER) Is that it? 25 A. Well, there's a lot more, but that's my –</p>	72
<p>1 that would be the recitals, which is in Exhibit 12. It 2 would be Exhibit 11. As far as I can tell, it would be 3 11 and 12. 4 Q. All right. Let's look up at the top of this 5 letter. Let me ask the question again. Who wrote this 6 letter? 7 A. Mr. Easton. 8 Q. Okay. 9 A. Mr. Bitgood. 10 Q. All right. So you didn't write this letter for 11 him? 12 A. No. 13 Q. Okay. I'm looking at the letterhead. And at 14 the top, it says Peter J. Riga and it references him as 15 everything but a member of the Professional Golfers 16 Association. 17 A. Excuse me. That's sarcasm and I object to 18 that. 19 Q. That's okay. It's my deposition. 20 A. Yes, but common courtesy – 21 MR. BITGOOD: Objection as to form. Don't 22 argue with him. Let him be a down. Continue, bozo. 23 MR. FISHER: Talking to you or me? 24 MR. BITGOOD: That would be you. 25 MR. FISHER: I can't tell.</p>	71	<p>1 that's my analysis of it and that's really for 2 Mr. Bitgood to answer. 3 Q. Okay. I'm just asking what you know today. Do 4 you know who is handling Peter Riga's estate? 5 A. No one so far as I know. 6 Q. Did he have any children? 7 A. I believe he did. 8 Q. Do you know their names? 9 A. I don't – I don't recall their names. I met 10 them one time after their father died and have had no 11 contact with them. 12 Q. You say them. Was there more than one child? 13 A. I think there's more than one. I think there's 14 a daughter. I think there's at least one son. 15 Q. Okay. So you don't know if anyone from the 16 Riga family or estate has given permission to use his 17 name in this manner? 18 MR. BITGOOD: Objection, form. 19 A. Objection. I don't know – I have no idea. 20 Q. (BY MR. FISHER) Okay. That's – that's an 21 answer to my question. 22 (Exhibit 15 marked) 23 Q. (BY MR. FISHER) I'm going to hand you what has 24 been marked as Exhibit 15 and represent to you that 25 there is an e-mail from you to Mr. Easton and to Brad</p>	73

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

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11111 Hwy 6, Suite 100, Cypress, TX 77429

Infinity Beeswax Geesha, LLC

76	Beets and to you self detailed October 11th, 2022, at 3-38 pm. And why was this email sent?	3 A few sent to memorialize that the Secretary of State has officially withdrawn the registration of the Texas LLP.
77	1 this law firm, as a party to the case. Are you aware of that?	4 A Okay. This is a pleading that you signed, if you recall.
78	6 A You're going to have to give me the entire pleading because I don't have the entire pleading before me.	7 Mr. Bligood formed?
79	9 Q The domestic LLP.	8 A That was formed by you and Mr. Bligood.
80	11 A That's correct.	9 Q The domestic LLP.
81	12 (Exhibit 16 marked) Q By MR FISHER. I'm going to hand you what we marked as Exhibit 16. And that's an email that you sent to Mr. Esterson on October 7th. And that's an email that you sent to Mr. Bligood on October 7th.	10 Q In other words, the LLP that you and Mr. Bligood formed?
82	13 Q (By MR FISHER) I'm going to hand you what we marked as Exhibit 16. And that's an email that you sent to Mr. Bligood on October 7th.	11 A To keep him apprised.
83	14 Q (By MR FISHER) Okay. Now, going back to this pleading it sort of decisions.	12 you, tell you what it was because I filed it.
84	15 Q (By MR FISHER) Okay. Now, going back to this pleading it sort of decisions.	13 MR. FISHER Go ahead.
85	16 Q (By MR FISHER) Okay. Now, going back to this pleading it sort of decisions.	14 MR. Bligood. The pleading was filed on
86	17 Q (By MR FISHER) Okay. Now, going back to this pleading it sort of decisions.	15 Q 20 to preserve the objections of Thompson and Coe
87	18 Q (By MR FISHER) Okay. Now, going back to this pleading it sort of decisions.	16 Attemping to file an answer after the Court struck the
88	19 Q (By MR FISHER) Okay. Now, going back to this pleading it sort of decisions.	17 details pleadings. That's all it was. That's why I
89	20 Q (By MR FISHER) Okay. Now, going back to this pleading it sort of decisions.	21 both the law firm known as Lewis, Bligood, Bechtel &
90	22 Q (By MR FISHER) Okay. Now, going back to this pleading it sort of decisions.	22 Smith, LLP and the business that you formed with
91	23 Q (By MR FISHER) Okay. Now, going back to this pleading it sort of decisions.	23 Mr. Bligood are both plaintiff and defendant with this
92	24 Q (By MR FISHER) Okay. Now, going back to this pleading it sort of decisions.	24 Defendant? Why was that done?
93	25 Q (By MR FISHER) Okay. Now, going back to this pleading it sort of decisions.	25 Mr. Bligood. Objection to the form. As of
94	1 A (By MR FISHER) Okay. Now, going back to this pleading it sort of decisions.	26 document speaks for itself.
95	2 A (By MR FISHER) Okay. I'm going to make the Court aware that would	27 MR. FISHER Doesnt say why.
96	3 Q (By MR FISHER) Okay. I'm going to hand you what	28 you sent to Mr. Bligood.
97	4 A (By MR FISHER) Okay. I'm going to hand you what	29 you sent to Mr. Bligood.
98	5 A (By MR FISHER) Okay. I'm going to hand you what	30 you sent to Mr. Bligood.
99	6 A (By MR FISHER) Okay. I'm going to hand you what	31 you sent to Mr. Bligood.
100	7 A (By MR FISHER) Okay. I'm going to hand you what	32 you sent to Mr. Bligood.
101	8 A (By MR FISHER) Okay. I'm going to hand you what	33 you sent to Mr. Bligood.
102	9 A (By MR FISHER) Okay. I'm going to hand you what	34 you sent to Mr. Bligood.
103	10 A (By MR FISHER) Okay. I'm going to hand you what	35 you sent to Mr. Bligood.
104	11 A (By MR FISHER) Okay. I'm going to hand you what	36 you sent to Mr. Bligood.
105	12 A (By MR FISHER) Okay. I'm going to hand you what	37 you sent to Mr. Bligood.
106	13 A (By MR FISHER) Okay. I'm going to hand you what	38 you sent to Mr. Bligood.
107	14 A (By MR FISHER) Okay. I'm going to hand you what	39 you sent to Mr. Bligood.
108	15 A (By MR FISHER) Okay. I'm going to hand you what	40 you sent to Mr. Bligood.
109	16 A (By MR FISHER) Okay. I'm going to hand you what	41 you sent to Mr. Bligood.
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111	18 A (By MR FISHER) Okay. I'm going to hand you what	43 you sent to Mr. Bligood.
112	19 A (By MR FISHER) Okay. I'm going to hand you what	44 you sent to Mr. Bligood.
113	20 A (By MR FISHER) Okay. I'm going to hand you what	45 you sent to Mr. Bligood.
114	21 A (By MR FISHER) Okay. I'm going to hand you what	46 you sent to Mr. Bligood.
115	22 A (By MR FISHER) Okay. I'm going to hand you what	47 you sent to Mr. Bligood.
116	23 A (By MR FISHER) Okay. I'm going to hand you what	48 you sent to Mr. Bligood.
117	24 A (By MR FISHER) Okay. I'm going to hand you what	49 you sent to Mr. Bligood.
118	25 A (By MR FISHER) Okay. I'm going to hand you what	50 you sent to Mr. Bligood.
119	26 A (By MR FISHER) Okay. I'm going to hand you what	51 you sent to Mr. Bligood.
120	27 A (By MR FISHER) Okay. I'm going to hand you what	52 you sent to Mr. Bligood.
121	28 A (By MR FISHER) Okay. I'm going to hand you what	53 you sent to Mr. Bligood.
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124	31 A (By MR FISHER) Okay. I'm going to hand you what	56 you sent to Mr. Bligood.
125	32 A (By MR FISHER) Okay. I'm going to hand you what	57 you sent to Mr. Bligood.
126	33 A (By MR FISHER) Okay. I'm going to hand you what	58 you sent to Mr. Bligood.
127	34 A (By MR FISHER) Okay. I'm going to hand you what	59 you sent to Mr. Bligood.
128	35 A (By MR FISHER) Okay. I'm going to hand you what	60 you sent to Mr. Bligood.
129	36 A (By MR FISHER) Okay. I'm going to hand you what	61 you sent to Mr. Bligood.
130	37 A (By MR FISHER) Okay. I'm going to hand you what	62 you sent to Mr. Bligood.
131	38 A (By MR FISHER) Okay. I'm going to hand you what	63 you sent to Mr. Bligood.
132	39 A (By MR FISHER) Okay. I'm going to hand you what	64 you sent to Mr. Bligood.
133	40 A (By MR FISHER) Okay. I'm going to hand you what	65 you sent to Mr. Bligood.
134	41 A (By MR FISHER) Okay. I'm going to hand you what	66 you sent to Mr. Bligood.
135	42 A (By MR FISHER) Okay. I'm going to hand you what	67 you sent to Mr. Bligood.
136	43 A (By MR FISHER) Okay. I'm going to hand you what	68 you sent to Mr. Bligood.
137	44 A (By MR FISHER) Okay. I'm going to hand you what	69 you sent to Mr. Bligood.
138	45 A (By MR FISHER) Okay. I'm going to hand you what	70 you sent to Mr. Bligood.
139	46 A (By MR FISHER) Okay. I'm going to hand you what	71 you sent to Mr. Bligood.
140	47 A (By MR FISHER) Okay. I'm going to hand you what	72 you sent to Mr. Bligood.
141	48 A (By MR FISHER) Okay. I'm going to hand you what	73 you sent to Mr. Bligood.
142	49 A (By MR FISHER) Okay. I'm going to hand you what	74 you sent to Mr. Bligood.
143	50 A (By MR FISHER) Okay. I'm going to hand you what	75 you sent to Mr. Bligood.
144	51 A (By MR FISHER) Okay. I'm going to hand you what	76 you sent to Mr. Bligood.
145	52 A (By MR FISHER) Okay. I'm going to hand you what	77 you sent to Mr. Bligood.
146	53 A (By MR FISHER) Okay. I'm going to hand you what	78 you sent to Mr. Bligood.
147	54 A (By MR FISHER) Okay. I'm going to hand you what	79 you sent to Mr. Bligood.
148	55 A (By MR FISHER) Okay. I'm going to hand you what	80 you sent to Mr. Bligood.
149	56 A (By MR FISHER) Okay. I'm going to hand you what	81 you sent to Mr. Bligood.
150	57 A (By MR FISHER) Okay. I'm going to hand you what	82 you sent to Mr. Bligood.
151	58 A (By MR FISHER) Okay. I'm going to hand you what	83 you sent to Mr. Bligood.
152	59 A (By MR FISHER) Okay. I'm going to hand you what	84 you sent to Mr. Bligood.
153	60 A (By MR FISHER) Okay. I'm going to hand you what	85 you sent to Mr. Bligood.
154	61 A (By MR FISHER) Okay. I'm going to hand you what	86 you sent to Mr. Bligood.
155	62 A (By MR FISHER) Okay. I'm going to hand you what	87 you sent to Mr. Bligood.
156	63 A (By MR FISHER) Okay. I'm going to hand you what	88 you sent to Mr. Bligood.
157	64 A (By MR FISHER) Okay. I'm going to hand you what	89 you sent to Mr. Bligood.
158	65 A (By MR FISHER) Okay. I'm going to hand you what	90 you sent to Mr. Bligood.
159	66 A (By MR FISHER) Okay. I'm going to hand you what	91 you sent to Mr. Bligood.
160	67 A (By MR FISHER) Okay. I'm going to hand you what	92 you sent to Mr. Bligood.
161	68 A (By MR FISHER) Okay. I'm going to hand you what	93 you sent to Mr. Bligood.
162	69 A (By MR FISHER) Okay. I'm going to hand you what	94 you sent to Mr. Bligood.
163	70 A (By MR FISHER) Okay. I'm going to hand you what	95 you sent to Mr. Bligood.
164	71 A (By MR FISHER) Okay. I'm going to hand you what	96 you sent to Mr. Bligood.
165	72 A (By MR FISHER) Okay. I'm going to hand you what	97 you sent to Mr. Bligood.
166	73 A (By MR FISHER) Okay. I'm going to hand you what	98 you sent to Mr. Bligood.
167	74 A (By MR FISHER) Okay. I'm going to hand you what	99 you sent to Mr. Bligood.
168	75 A (By MR FISHER) Okay. I'm going to hand you what	100 you sent to Mr. Bligood.
169	76 A (By MR FISHER) Okay. I'm going to hand you what	101 you sent to Mr. Bligood.
170	77 A (By MR FISHER) Okay. I'm going to hand you what	102 you sent to Mr. Bligood.
171	78 A (By MR FISHER) Okay. I'm going to hand you what	103 you sent to Mr. Bligood.
172	79 A (By MR FISHER) Okay. I'm going to hand you what	104 you sent to Mr. Bligood.
173	80 A (By MR FISHER) Okay. I'm going to hand you what	105 you sent to Mr. Bligood.
174	81 A (By MR FISHER) Okay. I'm going to hand you what	106 you sent to Mr. Bligood.
175	82 A (By MR FISHER) Okay. I'm going to hand you what	107 you sent to Mr. Bligood.
176	83 A (By MR FISHER) Okay. I'm going to hand you what	108 you sent to Mr. Bligood.
177	84 A (By MR FISHER) Okay. I'm going to hand you what	109 you sent to Mr. Bligood.
178	85 A (By MR FISHER) Okay. I'm going to hand you what	110 you sent to Mr. Bligood.

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

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1	And yet, there was an attempt made to apparently bring you guys back in as representing the 2 when despite repeated warnings from the Secretary of 3 State did not do business and is California office to 4 renew. Outre did nothing, as the Secretary of State 5 allowed him to surrender the name "Lewis, Brisbois, Bissell & 6 legal LLP to expire". Do you see those words there? 7 A. I do. 8 Q. Okay. Now, there was nothing affirmatively 9 done to surrender the name "Lewis, Brisbois, Bissell & 10 Smith" by this law firm, was there? 11 A. Oh, I disagree completely. 12 MR. BRIGGS. Okay. Now, nevertheless, this 13 Q. (By MR. FISHER) Okay. Now, nevertheless, this 14 was filed, according to your certificate of service, on 15 June 9th, you knew that the registration to do business 16 June 9th, you knew that the registration to do business 17 in Texas had already been approved, filed, received by 18 the Secretary of State's office, correct? That's what 19 you leased? 20 A. That's true. 21 Q. Okay. And on top of that, you knew that the 22 name "Lewis, Brisbois, Bissell, Bissell & Smith" as a law firm 23 registered in the state of California existed as of March 24 of 2022 in a case that involves the Imperial Lots. 25 pleading, correct?	78
1	Q. Okay. 2 A. And again, I have not seen the entire - okay. 3 (Exhibit 45 marked) 4 MR. FISHER. Can you read that back? 5 (Revised portion was read)	79
1	A. Would you say that again? 2	79
1	Q. Okay. 2 A. And again, I have not seen the entire - okay. 3 (Exhibit 45 marked) 4 Q. (By MR. FISHER) I'm going to hand you what 5 we've marked as Exhibit 45. And I'll present to you 6 that this is a pleading that was filed in Fort Bend 7 County, Texas. And if you look at Page 13, it was 8 submitted by you and Mr. Briggs. 9 A. Well, this document appears as Document 15. 10 which appears to be Exhibit Number 5 to your original 11 petition, but this document has no file stamp showing 12 that it was actually filed in Fort Bend County. 13 Q. All right. Take a look at Page 9. Tell me 14 when you're there. 15 A. I am at Page 9. 16 Q. Okay. Do you see Footnote 6 at the bottom? 17 A. Yes, I do. 18 Q. Okay. 19 A. Is it your assertion as an officer of the court 20 that this was actually filed? Because this has no file 21 stamp. 22 Q. Well, you have a stamp on copy. 23 A. Okay. 24 Q. The first sentence says, "By Way of deer 25 explanation, the Honorable Lewis Brisbois voluntarily gave	81

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<p>1 expire thereby allowing the domestic LLP to be formed, 2 registered, and approved by the Texas Secretary of 3 State.*</p> <p>4 I'm referencing the fact that as of March 5 the 9th, 2022, that's a true statement. It's a true 6 statement of multiple warnings, multiple – I think two 7 or even three voluntary relinquishments by inaction by 8 the California LLP. This doesn't say after June 9th. 9 It was filed on June 15th, but the facts of 10 this footnote were true as of – as of the time that the 11 Texas LLP was filed.</p> <p>12 Q. (BY MR. FISHER) Do you understand or do you – 13 can you agree that there's a difference between 14 authority to do business in the state of Texas and use 15 of a name in accordance with the Lanham Act, the federal 16 trademark law?</p> <p>17 A. Well, here's the problem also. You had no 18 trademark filed as of March the 9th, 2022 because your 19 trademark had expired ten years before.</p> <p>20 Q. I don't think that that's the conclusion of the 21 Court.</p> <p>22 A. Well –</p> <p>23 Q. And I think you know that because you were on 24 the phone when Judge Ellison stated clearly that our 25 name has acquired secondary meaning.</p>	82	<p>1 And I could be wrong on the ten years, but 2 I have the date, at some point. And it's been on file 3 in this case.</p> <p>4 (Exhibit 48 marked.)</p> <p>5 Q. (BY MR. FISHER) I'm going to hand you what 6 we've marked as Exhibit 48. It's also reference to this 7 LBBS Bates label 000019, 000020, 000021, and ask you if 8 you have seen this e-mail before.</p> <p>9 A. It's an e-mail sent Friday, September 23rd.</p> <p>10 I've seen this before. Yes, I have.</p> <p>11 Q. Okay. Do you know what was meant by, 'This 12 should 'cool' Jana Lubert's 'jets' until I can get to 13 'little' Billy Helfand and Bennet Fisher next week'?</p> <p>14 A. No, sir, I do not.</p> <p>15 Q. Okay. Do you know what – and you never asked 16 Mr. Bitgood what he meant by this?</p> <p>17 A. No, sir, I did not.</p> <p>18 Q. Okay. And then it goes on to say, "No possible 19 name confusion at all. We are not that incompetent. 20 All they have to do is like 'Doc Holiday' said in 21 'Tombstone': 'Say when' –</p> <p>22 MR. BITGOOD: Say when.</p> <p>23 Q. (BY MR. FISHER) – "and say otherwise, thereby 24 holding open the door in court for me to put on evidence 25 to the contrary." Do you know what that means?</p>	84
<p>1 A. That's true.</p> <p>2 Q. You heard that?</p> <p>3 A. That's true, but that's what the judge said</p> <p>4 October the 6th, 2022. And as of September the 23rd,</p> <p>5 this firm knew that it had no trademark protected by the</p> <p>6 U.S. Patent and Trademark Office. And yet, it filed the</p> <p>7 petition and used the expired trademark as – I forgot</p> <p>8 what exhibit number it is.</p> <p>9 And then on the 29th of September, your –</p> <p>10 I guess it's your trademark lawyer in California</p> <p>11 hurriedly filed a request to – application for that</p> <p>12 trade – for that name. So as of March, without</p> <p>13 considering the doctrine of secondary usage, you had –</p> <p>14 this firm had no trademark for the four-name trademark</p> <p>15 Lewis, Brisbois, Bisgaard & Smith, LLP, not excluding,</p> <p>16 so –</p> <p>17 Q. Are you not confusing registered mark with</p> <p>18 common law mark?</p> <p>19 A. I am not confusing anything. I am saying what</p> <p>20 was available from the U.S. Patent and Trademark Office,</p> <p>21 which I've filed the – and I forgot what document it</p> <p>22 is. I have filed the confirmation by the USPTO patent</p> <p>23 and trademark office that there was no four-name</p> <p>24 trademark filed because it had been cancelled ten years</p> <p>25 before.</p>	83	<p>1 A. No, sir, I do not.</p> <p>2 Q. You didn't ask Mr. Bitgood what he meant by</p> <p>3 that?</p> <p>4 A. No, sir, I did not.</p> <p>5 Q. Okay. Then he says, "Don't be a daisy/ Bennet</p> <p>6 and Billy," referring to me and Bill Helfand?</p> <p>7 A. I see those words.</p> <p>8 Q. What are you reading?</p> <p>9 A. I'm sorry? I'm using my magnifier. It's so</p> <p>10 small I can't see.</p> <p>11 Q. Okay. What did he mean by don't be a daisy</p> <p>12 Bennet and Billy?</p> <p>13 A. I have no idea.</p> <p>14 Q. You never asked him?</p> <p>15 A. No, sir.</p> <p>16 Q. Okay. Now, the next page is a picture of what</p> <p>17 looks to be a cannon. Do you see that?</p> <p>18 A. Are you talking about –</p> <p>19 Q. The next page of the exhibit, Page 20.</p> <p>20 A. I see that.</p> <p>21 Q. Okay. "A message for David Oubre, Bill</p> <p>22 Helfand, Bennet Fisher & Jana Lubert of 'Lewis & Bobo',</p> <p>23 a California foreign LLP."</p> <p>24 A. I see that page.</p> <p>25 Q. Okay. And it says "Come and take it." Do you</p>	85

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1	MR. BRGOOD: Object, form. Assumes 2 feels not in evidence	96	1 know what trial means?	88
3	A. I'm going to object to form also because this 4 entire lawsuit was brought in relation to the judgments 5 and the findings of the Court in Fort Bend County. And 6 your own paper, William Hartland, talked about it on 7 the record as being in relation to this - the state 8 court lawsuit. So the state court lawsuit is 9 22-CV-07078.	92	A. Okay, is this kind of a Texas thing, this 8 cannot?	9
10	Q. Okay, is it a - does it have something to do 11 with this letter, this letter, I mean, I didn't grow up here. 12 A. No, sir. I'm not surprised. 13 Q. Well, I didn't participate in the reversal, did 14 I?	10	A. Deep in the recesses of my mind, I believe it 10 is, but I couldn't tell you for sure.	9
15	A. Well, you're a partner in the firm that did, so 16 you may not personally have made an appearance for the 17 firm, but your firm that you reference, the firm of 18 which you are a partner, participated. So you cannot 19 say that the goal you did not participate. At least 20 that's my opinion.	15	And now on Page 21 -	15
21	Q. Okay, but this letter was a little bit more 22 A. I appears to be.	21	Q. Okay, is that a copy of the business card for 18 Q. Yeah, but I'm looking at Business Number 000021. 19 A. Yes, sir.	19
23	Q. Okay, And who entitled Mr. BRGOOD as a 24 mediator or yourself?	23	Q. Okay, I mean who entitled Mr. BRGOOD as a 24 mediator or yourself?	23
25	MR. BRGOOD: Object, form to do 26 mediator or yourself?	25	MR. BRGOOD: Object, form to do 25 other lawsuit in particular, but I just asked that you	25
1	MR. BRGOOD: Thank you for that, but please 2 stop using the name Lewis, Brooks, Langan & Smith. 3 I'm your objections to form only.	87	1 MR. BRGOOD: She can testify as to what she knows. 2 MR. FISHER: Thank you for that, but please 3 stop using the name Lewis, Brooks, Langan & Smith. 4 MR. BRGOOD: I object to form, then.	1
5	5 Bennett 6 A. I certify you that I went to the AIA White 7 Dispute Resolution Center and was allowed to participate 8 in the mediation course and graduate or complete it 9 marked as Exhibit 49 and - 10 A. I see it 11 Q. I'm sure you've seen that letter before. It 12 was written by you to me on September 29th, comin'?	5	10 certified by any agency or organization?	11
13	Q. (BY MR. FISHER) Okay. And I'm going to hand 14 you what we've marked as Exhibit 57. I represent to 15 you that this is a copy of a letter that I wrote to you 16 to explain why you thought it was okay to use our name. 17 right?	13	16 in September asking you to please stop using the name of 17 this law firm. Do you recall that?	17
18	18 A. I see this is a letter dated September the 19 28th, 2022. And after your law firm was found not to be 20 authorized to represent the defendants in this case 21 against Fort Bend County, you sent this letter.	18	18 A. I see this is a letter dated September the 19 28th, 2022. And after your law firm was found not to be 20 authorized to represent the defendants in this case 21 against Fort Bend County, you sent this letter.	18
22	Q. Okay, I don't really know what you're talkin' 'bout 23 about in Fort Bend County, but I'm tellin' you that 24 to take about a 10- or 15-minute break, and I'd like 25 didn't show the stamps, I'm going to get those	22	22 Q. Okay, I don't really know what you're talkin' 'bout 23 about in Fort Bend County, but I'm tellin' you that 24 to take about a 10- or 15-minute break, and I'd like 25 didn't show the stamps, I'm going to get those	22
26	26 A. Well -	26	26 A. Well -	26

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1 documents. 2 A. Okay. I've got - 3 MR. BITGOOD: She has to - wait a minute. 4 Wait. She has to leave at 3 o'clock. 5 MR. FISHER: All right. Let's - let's 6 adjourn the deposition and we'll meet back here at a 7 mutually convenient day and time and complete the 8 examination. And thank you for coming. 9 THE VIDEOGRAPHER: Off the record at 3 10 o'clock p.m. 11 (Deposition concluded at 3:00 p.m.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25	90 1 I, SUSAN C. NORMAN, have read the foregoing deposition and hereby affix my signature that same is 2 true and correct, except as noted above. 3 4 5 SUSAN C. NORMAN 6 7 8 9 THE STATE OF _____ 10 COUNTY OF _____ 11 12 Before me, _____, on 13 this day personally appeared SUSAN C. NORMAN, known to 14 me (or proved to me under oath or through 15 _____) (description of identity 16 card or other document)) to be the person whose name is 17 subscribed to the foregoing instrument and acknowledged 18 to me that they executed the same for the purposes and 19 consideration therein expressed. 20 Given under my hand and seal of office this 21 _____ day of _____, _____. 22 23 24 25 NOTARY PUBLIC IN AND FOR THE STATE OF _____ COMMISSION EXPIRES: _____	92
1 CHANGES AND SIGNATURE 2 WITNESS NAME: SUSAN C. NORMAN DATE: JULY 26, 2023 3 PAGE LINE CHANGE REASON 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____	91 1 IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS 2 HOUSTON DIVISION 3 LEWIS, BRISBOIS, BISGAARD & SMITH, LLP. 4 PLAINTIFF,) CIVIL ACTION NO: 5) 4:22-CV-3279 VS.) 6) MICHAEL JOSEPH BITGOOD 7 a/k/a "MICHAEL EASTON,* ET AL.) 8) DEFENDANTS.) 9 10 REPORTER'S CERTIFICATION DEPOSITION OF SUSAN C. NORMAN 11 JULY 26, 2023 12 13 I, Allison Garrett, Certified Shorthand Reporter in 14 and for the State of Texas, hereby certify to the 15 following: 16 That the witness, SUSAN C. NORMAN, was duly sworn 17 by the officer and that the transcript of the oral 18 deposition is a true record of the testimony given by 19 the witness; 20 I further certify that pursuant to FRCP Rule 21 30(e)(1) that the signature of the deponent: 22 XXX was requested by the deponent or a party before 23 the completion of the deposition and is to be returned 24 within 30 days from the date of receipt of the 25 transcript. If returned, the attached Changes and	93

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Videotaped Deposition of Susan Norman - Vol. 1

1 Signature Page contains any changes and the reasons 2 therefor; 3 ____ was not requested by the deponent or a party 4 before the completion of the deposition. 5 I further certify that I am neither counsel for, 6 related to, nor employed by any of the parties or 7 attorneys in the action in which this proceeding was 8 taken. Further, I am not a relative or employee of any 9 attorney of record in this cause, nor am I financially 10 or otherwise interested in the outcome of the action. 11 Certified to by me this 21st day of July, 2023. 12 13 14 15 Allison Garrett, Texas CSR 8329 16 Expiration Date: 4/30/2025 17 Infinity Reporting Group 18 11200 Richmond Avenue 19 Suite 410 20 Houston, Texas 77082 21 (832) 930-4484 22 23 24 25	94

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MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

3 LEWIS, BRISBOIS, BISGAARD)
& SMITH, LLP,)
4)
5 PLAINTIFF,) CIVIL ACTION NO:
6) 4:22-CV-3279
7 VS.)
8)
MICHAEL JOSEPH BITGOOD)
a/k/a "MICHAEL EASTON," ET)
AL,)
9)
DEFENDANTS.)

10 ORAL AND VIDEOTAPED DEPOSITION OF

11 SUSAN C. NORMAN

12 August 16, 2023

13 VOLUME 2 OF 2

14

16 ORAL DEPOSITION OF SUSAN C. NORMAN, produced as a
17 witness at the instance of the PLAINTIFF, and duly
18 sworn, was taken in the above-styled and numbered cause
19 on August 16, 2023 from 10:14 a.m. to 2:52 p.m., before
20 Allison Garrett, CSR in and for the State of Texas,
21 reported by machine shorthand, at Lewis, Brisbois,
22 Bisgaard & Smith, 24 Greenway Plaza, Suite 1400,
23 Houston, Texas 77046, pursuant to the Federal Rules of
24 Civil Procedure and the provisions stated on the record
25 or attached hereto.

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

1 APP E A R A N C E S		2	3 EXHIBITS CONTINUED	4
		5 NO.	6 DESCRIPTION	7 PAGE
3 FOR THE PLAINTIFF:		3 Exhibit 71		
4 Bennett G. Fisher, Esq.		4 Exhibit 72		
5 Anh Nguyen, Esq.		5 Exhibit 73		
6 LEWIS, BRISBOIS, BISGAARD & SMITH		6 Exhibit 74		
7 24 Greenway Plaza		7 Exhibit 75		
8 Suite 1400		8 Exhibit 76		
9 Houston, Texas 77046		9 Exhibit 77		
10 (713) 659-6767		10 Exhibit 78		
11 Bennett.fisher@lewisbrisbois.com		11 Exhibit 79		
12 DEFENDANT MICHAEL JOSEPH BITGOOD, APPEARING PRO SE:		12 Exhibit 80		
13 Michael Joseph Bitgood		13 Exhibit 81		
14 East Pro Law		14		
15 503 FM 359		15		
16 Suite 130-216		16		
17 Richmond, Texas 77469				
18 Eastprolaw@msn.com				
19 DEFENDANT SUSAN C. NORMAN APPEARING PRO SE:				
20 Susan C. Norman, Esq.				
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24 SueNorman@SueNormanLaw.com				
25 FOR DEFENDANT BRAD BEERS:				
26 Samuel Wallace, Esq.				
27 MUNCK, WILSON, MANDALA, LLP				
28 12770 Coit Road				
29 Suite 600				
30 Dallas, Texas 75251				
31 (972) 628-3600				
32 Wdunwoody@munckwilson.com				
33 ALSO PRESENT:				
34 Martin Flores, Videographer				
35 Bradley Beers				
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48 Exhibit 19		15	Brad Beers.	MR. DUNWOODY: Wallace Dunwoody here for
49 Exhibit 40			16 Brad Beers is also in the room.	
50 Exhibit 42			16 THE WITNESS: Susan Norman, attorney for	
51 Exhibit 43			17 herself.	
52 Exhibit 50			18 MR. BITGOOD: Michael Joseph Bitgood also	
53 Exhibit 58			19 known as Michael Easton appearing pro se, formerly	
54 Exhibit 67			20 president of the Lewis Brisbois, LLP in Texas recognized	
55 Exhibit 68			21 by the state.	
56 Exhibit 69			22 THE WITNESS: And I want to reaffirm that I	
57 Exhibit 70			23 need to read and sign both divisions of this deposition.	
			24 MR. FISHER: We will give you that	
			25 opportunity.	

Infinity Reporting Group, LLC
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MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

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<p>1 SUSAN NORMAN,</p> <p>2 having been first duly sworn, testified as follows:</p> <p>3 EXAMINATION</p> <p>4 BY MR. FISHER:</p> <p>5 Q. Once again, Ms. Norman, please state your full</p> <p>6 name for the record.</p> <p>7 A. Susan Norman.</p> <p>8 Q. Ms. Norman, when did you first realize that</p> <p>9 holding yourself and Mr. Bitgood out as members of an</p> <p>10 entity named Lewis, Brisbois, Bisgaard & Smith, LLP was</p> <p>11 wrongful?</p> <p>12 MR. DUNWOODY: Object to form.</p> <p>13 MR. BITGOOD: Objection, assumes a fact not</p> <p>14 in evidence.</p> <p>15 A. I don't think it was wrongful.</p> <p>16 Q. (BY MR. FISHER) Okay. And through a</p> <p>17 partnership that you formed with Mr. Bitgood, did you</p> <p>18 hold yourself out as a member of and vice president of</p> <p>19 Lewis, Brisbois, Bisgaard & Smith, LLP?</p> <p>20 A. If you add the Texas entity, yes.</p> <p>21 Q. Was the words "Texas entity" ever in the name</p> <p>22 of your partnership known as Lewis, Brisbois, Bisgaard &</p> <p>23 Smith, LLP?</p> <p>24 A. I believe it was on the State of Texas</p> <p>25 Secretary of State website, but this differentiates it</p>	<p>6</p> <p>1 today, I believe so, yes.</p> <p>2 Q. (BY MR. FISHER) Okay. Well, I'm going to show</p> <p>3 you a couple of documents and you can tell me whether</p> <p>4 you still will maintain that answer. Okay?</p> <p>5 A. I am not maintaining that every document filed</p> <p>6 or used was that, but you didn't ask me if it was every,</p> <p>7 so I don't --</p> <p>8 Q. No, I said did you ever --</p> <p>9 A. Did I ever, yeah.</p> <p>10 Q. Okay.</p> <p>11 A. Okay.</p> <p>12 Q. So let me change it a little bit and say did</p> <p>13 you always include the words "a Texas entity" or a</p> <p>14 domestic partnership every time you used the name Lewis,</p> <p>15 Brisbois, Bisgaard & Smith, LLP?</p> <p>16 MR. BITGOOD: Object to the form of the</p> <p>17 question.</p> <p>18 A. I object to the form of the question also, but</p> <p>19 sitting here --</p> <p>20 Q. (BY MR. FISHER) What's the basis of your</p> <p>21 objection?</p> <p>22 A. The objection is I am not sure. Okay. I am</p> <p>23 not going to testify that every instance of my use of</p> <p>24 that name included Texas entity. Sitting here today, I</p> <p>25 do not remember.</p>
<p>1 from the foreign LLP, which lost its right to do</p> <p>2 business in Texas as opposed to our domestic LLP.</p> <p>3 MR. FISHER: Objection, nonresponsive.</p> <p>4 Q. (BY MR. FISHER) I'm asking you if you ever</p> <p>5 held yourself out -- in fact, I'm going to ask Allison</p> <p>6 to repeat the question. I just want an answer to that</p> <p>7 narrow question. And it relates to whether the words "a</p> <p>8 Texas entity" were ever in the title.</p> <p>9 MR. BITGOOD: Objection, vague. Title of</p> <p>10 what? A movie? Stationary? A business card?</p> <p>11 (Requested portion was read.)</p> <p>12 A. It was designated as a Texas domestic entity on</p> <p>13 the Secretary of State Texas website.</p> <p>14 Q. (BY MR. FISHER) Right. I understand that</p> <p>15 you're -- that that's your answer, but did you ever use,</p> <p>16 when you used the name, when you filed something, when</p> <p>17 you sent the letter, when you sent correspondence, did</p> <p>18 you ever use the name or the words "a Texas entity" in</p> <p>19 the name Lewis, Brisbois, Bisgaard & Smith, LLP that you</p> <p>20 claimed as your partnership?</p> <p>21 MR. DUNWOODY: Object to form.</p> <p>22 A. I -- I believe so with -- you're using the</p> <p>23 words domestic -- "Texas domestic" or "Texas LLP." I</p> <p>24 would have to look back at every filing and every</p> <p>25 communication sent to be fully sure, but sitting here</p>	<p>7</p> <p>1 Q. All right. I'm going to hand you a document</p> <p>2 that was filed by you on October 10th, 2022, in the</p> <p>3 Southern District of Texas. It's listed as Document 8,</p> <p>4 and the band at the top says "Case 4:22-cv-03279."</p> <p>5 And this is -- this appears to be a letter</p> <p>6 to Judge Ellison with -- at the top letterhead that says</p> <p>7 Lewis, Brisbois, Bisgaard & Smith, LLP, but it has your</p> <p>8 name and Mr. Bitgood's name on there.</p> <p>9 MR. BITGOOD: What exhibit is that,</p> <p>10 Mr. Fisher?</p> <p>11 MR. FISHER: It's not an exhibit.</p> <p>12 Q. (BY MR. FISHER) I'm going to ask you if you</p> <p>13 recognize that.</p> <p>14 MR. BITGOOD: Do you mind telling us what</p> <p>15 it is, sir?</p> <p>16 MR. FISHER: I just did.</p> <p>17 THE WITNESS: It's a letter dated</p> <p>18 October 5th, 2022, Lewis, Brisbois, Bisgaard & Smith,</p> <p>19 LLP with 503 FM 359-130, Suite 216, Richmond, Texas,</p> <p>20 mediations and arbitrations. And it is a letter that he</p> <p>21 says that I filed. I can't tell that to be correct, but</p> <p>22 it was signed by Michael Joseph Bitgood a/k/a Michael</p> <p>23 Easton.</p> <p>24 Q. (BY MR. FISHER) He's your partner, isn't he?</p> <p>25 Or was he?</p>

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1 A. He was. 2 Q. Okay. It was a general partnership, was it 3 not? 4 A. This was an LLP. 5 Q. No, ma'am, it wasn't. And I showed you last 6 week what the filing was. 7 MR. BITGOOD: Objection, argumentative. 8 Q. (BY MR. FISHER) As a general partnership -- 9 MR. BITGOOD: And don't argue with the 10 witness. 11 Q. (BY MR. FISHER) -- I'm going to remind you of 12 your testimony last week when I showed you a document 13 that this entity was not an LLP. In fact, it was a 14 general partnership. 15 MR. DUNWOODY: Object to form. 16 A. I am not -- 17 Q. (BY MR. FISHER) Do you need me to show you 18 that exhibit again? 19 A. No, you don't need to. I am not necessarily 20 arguing with you. This is what was filed and this is 21 how it was filed, so that was filed. 22 Q. All right. 23 A. I -- if you're saying that I filed this, I 24 don't know that to be correct, but I do know that it was 25 signed by Michael Joseph Bitgood a/k/a Michael Easton.	10 1 Q. Okay. And can you tell the Court what that 2 document is? 3 A. It is Document Number 8 filed on October the 4 5th, 2022 in Case Number 4:22-cv-03279. It is a 5 nine-page letter/pleading sent to the honorable Keith P. 6 Ellison and it's signed Michael Joseph Bitgood a/k/a 7 Michael Easton. 8 Q. All right. When's the first time you saw this 9 document? 10 A. I would say probably October the 5th. 11 Q. And did you see it before it was filed or 12 after? 13 A. I don't recall. 14 Q. Okay. And the letterhead at the top of this 15 document says "Lewis, Brisbois, Bisgaard & Smith, LLP," 16 correct? 17 A. That is what it says. 18 Q. And that is the same as the name of the firm 19 which we're sitting in today, correct? 20 A. It is the same name as the California entity, 21 yes, sir. 22 Q. Okay. And it's also the same name as the name 23 of the law firm whose office we are sitting in today, 24 correct? 25 A. That is correct.	12
11 1 What exhibit number is that? 2 Q. I'm going to make this Exhibit 59 because I'm 3 not sure whether we have it or not. 4 MR. DUNWOODY: Do you have copies? 5 MR. FISHER: We're going to make copies 6 right now because I'm not sure that I got it or not, so 7 just out of an abundance of caution, we're going to take 8 a short break and I'm going to make copies right now for 9 everybody. And I'll have it scanned and sent to 10 Mr. Easton as well. This is a pleading that should 11 be -- 12 MR. BITGOOD: Thank you. 13 MR. FISHER: It's Pleading Number 8 or it's 14 Docket Number 8. All right. Let's take a quick break. 15 I'm going to get copies or everybody. 16 THE VIDEOGRAPHER: We are going off the 17 record. The time is 10:23. 18 (Break taken from 10:23 a.m. to 10:34 a.m.) 19 (Exhibit 67 marked.) 20 THE VIDEOGRAPHER: Going on the record. 21 The time is 10:34. 22 Q. (BY MR. FISHER) All right. Ms. Norman, I've 23 handed you what we have now marked as Exhibit 67; is 24 that correct? 25 A. Yes, sir.	13 1 (Exhibit 42 marked.) 2 Q. (BY MR. FISHER) All right. And I'm going to 3 hand you Exhibit 42. Oh, by the way, let's go back to 4 Exhibit 67 real quick. Do you remember -- 5 MR. BITGOOD: I don't have an Exhibit 67. 6 MR. FISHER: You'll get it. This is 7 Document 8 in the federal district court lawsuit known 8 as 4:22-cv-03279. 9 Q. (BY MR. FISHER) Ms. Norman, did you ever have 10 a discussion with Mr. Bitgood about this document? 11 A. Well -- 12 MR. BITGOOD: When you say we'll have it, 13 what document are you talking about, sir? 14 THE WITNESS: It is what was previously 15 marked as Exhibit 59, which is Document Number 8, the 16 October 5th letter pleading. 17 MR. BITGOOD: Okay. Okay. Now I know what 18 it is. 19 Q. (BY MR. FISHER) All right. Did you ever have 20 a conversation or discussion with Mr. Bitgood about this 21 document? 22 A. I will have to -- 23 MR. BITGOOD: Objection, form. 24 A. -- decline on the basis of attorney/client 25 privilege.	13

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<p>1 Q. (BY MR. FISHER) Okay. So you're claiming now 2 that Mr. Bitgood is your client?</p> <p>3 A. No, sir. I'm claiming that the Texas entity -- 4 I represented the Texas entity.</p> <p>5 Q. I didn't ask about the entity. I asked if you 6 had a conversation about the pleading that was filed, a 7 conversation with Mr. Bitgood?</p> <p>8 A. Well, since he's the --</p> <p>9 MR. BITGOOD: Objection, form.</p> <p>10 A. Objection, attorney/client privilege.</p> <p>11 Q. (BY MR. FISHER) You're refusing to answer that 12 question?</p> <p>13 A. I am declining to answer that question.</p> <p>14 Q. Okay. Did you -- did you tell Mr. Bitgood that 15 filing this document in a Lanham Act case was a bad 16 idea?</p> <p>17 MR. BITGOOD: Objection to form.</p> <p>18 MR. FISHER: I'll withdraw it.</p> <p>19 MR. BITGOOD: Assumes facts not in 20 evidence.</p> <p>21 Q. (BY MR. FISHER) Did you -- did you ever tell 22 him that filing this pleading with the letterhead Lewis, 23 Brisbois, Bisgaard & Smith, LLP was a bad idea?</p> <p>24 MR. BITGOOD: Objection, form.</p> <p>25 A. I don't believe that as of October the 5th that</p>	<p>14 1 law firm, are you?</p> <p>2 MR. FISHER: It's not my turn to give 3 answers to your questions, Mr. Bitgood.</p> <p>4 MR. BITGOOD: Okay. Fair enough.</p> <p>5 MR. FISHER: If you want to take my 6 deposition, that's another story.</p> <p>7 A. Okay. I will refer you to Document 60-1 filed 8 November 2nd -- excuse me, filed November 28th, 2022, in 9 Cause Number 4:22-cv-03279 as Exhibit C, which has 10 already been admitted as evidence in this case. It is 11 the findings of fact and conclusions of law of Judge 12 Lewis White signed on September 27th, 2022, so --</p> <p>13 Q. (BY MR. FISHER) Were those the same findings 14 of fact and conclusions of law in a proceeding that is 15 under appeal?</p> <p>16 MR. BITGOOD: Objection, assumes a fact not 17 in evidence.</p> <p>18 MR. FISHER: I'm asking a question.</p> <p>19 MR. BITGOOD: And I'm making an objection 20 whether you like it or not.</p> <p>21 MR. FISHER: Just object to form. We've 22 had this conversation before. You know the rules.</p> <p>23 MR. BITGOOD: Yes, I know Bennett. You 24 want to be the judge and the plaintiff. I get it.</p> <p>25 A. Mr. Fisher, the findings of fact and</p>
<p>15 1 I would have considered that to be a discussionable item 2 with Mr. Bitgood.</p> <p>3 Q. Why not?</p> <p>4 A. Simply because I didn't.</p> <p>5 Q. Why didn't you think it was a discussionable 6 item with Mr. Bitgood?</p> <p>7 MR. BITGOOD: Objection, form.</p> <p>8 A. Sitting here almost a year since, I don't 9 recall that I would have thought on October the 6th -- 10 5th that I needed to have that discussion. I don't know 11 if I did or not. I don't recall whether I even thought 12 it or not, so no, I can't tell you that. I can't answer 13 that.</p> <p>14 Q. All right. Well, sitting here today, do you 15 see that filing a pleading with the name Lewis, 16 Brisbois, Bisgaard & Smith, LLP with the Court holding 17 yourselves out as a member of an organization known as 18 Lewis, Brisbois, Bisgaard & Smith, LLP was a bad idea?</p> <p>19 MR. DUNWOODY: Objection, form.</p> <p>20 A. No, sir.</p> <p>21 MR. BITGOOD: Objection, assumes a fact not 22 in evidence.</p> <p>23 A. And if I --</p> <p>24 MR. BITGOOD: Mr. Fisher, you're not 25 suggesting we would say that we're associated with your</p>	<p>17 1 conclusions of law are not under appeal by your firm 2 because your firm was disqualified. The pleadings were 3 struck, so I have to take issue with your -- there is an 4 appeal, but --</p> <p>5 Q. (BY MR. FISHER) And there is a motion for 6 reconsideration of that ruling, correct?</p> <p>7 MR. BITGOOD: Objection, form.</p> <p>8 A. To the extent that you believe there's one 9 pending, you may believe that.</p> <p>10 (Exhibit 43 marked.)</p> <p>11 Q. (BY MR. FISHER) All right. Then we'll move 12 on. I'm going to hand you what we've already -- I 13 believe we've already been over this. This is 14 Exhibit 43. And I'll ask you to identify this document 15 for the record.</p> <p>16 A. It was document registration of a limited 17 liability partnership filed in the Texas -- with the 18 Texas Secretary of State.</p> <p>19 Q. And that's the name of the form, correct?</p> <p>20 A. Registration of a limited liability 21 partnership, yes, sir.</p> <p>22 Q. Okay. Now go down to Line 2.</p> <p>23 A. Yes, sir.</p> <p>24 Q. And read that out loud, please.</p> <p>25 A. As filled in, it says the partnership is a</p>

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1 general partnership. 2 Q. Right. And that was what was filed with the 3 Secretary of State of Texas on September -- let's see. 4 I'm sorry -- 5 A. May 26th. 6 Q. May 26th, 2022? 7 A. Yes, sir. 8 Q. Okay. And that was -- that was what formed 9 this partnership by you and Mr. Bitgood known as Lewis, 10 Brisbois, Bisgaard & Smith, LLP, correct? 11 MR. DUNWOODY: Object to form. 12 MR. BITGOOD: Objection, form. The 13 document speaks for itself, Mr. Fisher. 14 MR. FISHER: Mr. Dunwoody, what's your 15 objection? 16 MR. DUNWOODY: Your question assumes that 17 this formed the partnership, also asks for a legal 18 conclusion. 19 THE WITNESS: I'm sorry. I couldn't hear 20 Mr. Dunwoody. 21 MR. FISHER: Yeah, I asked that of a lawyer 22 and a partner. 23 MR. DUNWOODY: Okay. 24 Q. (BY MR. FISHER) All right. Ms. Norman, does 25 that refresh your recollection that this was formed as a	18 1 will testify there. 2 Q. Okay. All right. Now let's go to Exhibit 42. 3 And would you agree with me that this is also a 4 pleading, but one that's been filed in the Fort Bend 5 County Court At Law Number 3, not in federal court? 6 A. Would you like to hand me Exhibit 42? 7 Q. I'm sorry. I thought you had it. There you 8 go. 9 A. Thank you. 10 MR. BITGOOD: That's the cover page. 11 A. Right. It was filed August 22nd, 2022, 12 plaintiff's soft objections/motion to strike defendant 13 -- to strike defendant's, quote, original, quote, answer 14 filed on 9/21/2022. 15 Q. (BY MR. FISHER) Okay. Now, and that was filed 16 on September 22nd, correct? 17 A. Yes, it was. 18 Q. All right. And also the letterhead at the top 19 for which this was filed is Lewis, Brisbois, Bisgaard & 20 Smith, LLP, correct? 21 A. Yes, with a Richmond, Texas address, yes, sir. 22 Q. So this is the entity that you held yourself 23 out as, correct? 24 A. Yes, sir. 25 Q. All right.	20
19 1 general partnership? 2 MR. DUNWOODY: Same objection. 3 A. Objection, form. It refreshes my recollection 4 as to that is what this document says. 5 Q. (BY MR. FISHER) Okay. Well, if it's a limited 6 liability partnership, then who are the general partners 7 or who is the general partner? 8 MR. DUNWOODY: Object to form. 9 A. It's not stated on here. 10 Q. (BY MR. FISHER) I'm asking you if it's a 11 limited liability partnership, there must be general -- 12 at least one general partner and at least one limited 13 partner, correct? 14 MR. DUNWOODY: Object to form. 15 A. Is that your -- is that your testimony? 16 Q. (BY MR. FISHER) I'm asking you a question as 17 somebody who's been practicing law for 20 or so years. 18 MR. DUNWOODY: Object to form. 19 A. This is not an area of law that I -- 20 Q. (BY MR. FISHER) 30 years. I'm sorry. 21 A. 30 years. 32 years, maybe. This is not an 22 area of the law that I regularly practice in. Just like 23 Indian tribal law, if I had a client come to me on an 24 Indian tribal question, I would have to research that. 25 I would have to look at it. So it says what it says. I	21 1 A. I will also point out to you that on the 2 signature page, counsel for Richard P. Jones and Lewis, 3 Brisbois, Bisgaard & Smith under my name, LLP, a Texas 4 domestic LLP. 5 Q. Right. But I'm talking about the letterhead 6 right at the top. 7 A. Yes, sir. 8 Q. The first thing you see on the form. 9 A. Yes, it is. 10 Q. And that is exactly the same name as the law 11 firm whose office you're sitting in right now, correct? 12 A. It is the same name of the foreign entity whose 13 office I am sitting in. 14 MR. FISHER: Objection, nonresponsive. 15 Q. (BY MR. FISHER) Please just answer the 16 questions. 17 A. I am answering the question. 18 Q. It is the same name as the law firm Lewis, 19 Brisbois, Bisgaard & Smith, LLP whose office you're 20 sitting in right now, correct? Yes or no? 21 A. It is the same name as the law firm who -- this 22 was filed September 22nd, and it's the same name as the 23 law firm which was confirmed by the judge on 24 September 13th did not have the authority to appear in 25 Texas. I will refer you to the findings of fact and	21

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1 conclusions of law. So it's the same law firm. 2 Q. It's the same law firm that you're sitting in 3 right now, whose office you're sitting in right now, 4 correct? 5 A. That's correct. 6 Q. Thank you. Ms. Norman, do you carry legal 7 malpractice insurance? 8 A. I do not. 9 MR. BITGOOD: Objection, form. She was not 10 deferring that she has to worry about legal malpractice. 11 MR. FISHER: Please confine your 12 objections -- 13 MR. BITGOOD: I said objection, form, 14 Mr. Fisher. 15 MR. FISHER: Then that's all you should be 16 saying. 17 Q. (BY MR. FISHER) Have you ever carried legal 18 malpractice insurance? 19 A. No, sir. 20 Q. Do you have homeowner's insurance? 21 MR. BITGOOD: Objection, form. 22 A. I'm going to object because I don't think it's 23 relevant, so I'm not going to answer that question. 24 Q. (BY MR. FISHER) You're refusing to answer that 25 question?	22 1 Q. Okay. How long have you known Brad Beers? 2 A. I don't know, 12/13 years. 3 Q. Okay. Can you tell me why he's involved in the 4 formation of your partnership with Mr. Bitgood known as 5 Lewis, Brisbois, Bisgaard & Smith, LLP? 6 MR. DUNWOODY: Object to form. 7 A. Objection, form. No, I can't tell you. 8 Q. (BY MR. FISHER) Okay. Did you ask him to get 9 involved or did Mr. Easton or you don't know how he's 10 involved? 11 A. I did not ask him to get involved. 12 Q. Okay. Have you paid him for any legal 13 services? 14 A. Objection, form. No. 15 Q. Do you know if Mr. Bitgood has paid Mr. Beers 16 or Mr. Beers's firm for any legal services? 17 A. I have no idea. 18 MR. BITGOOD: Objection, form. 19 Q. (BY MR. FISHER) Can you tell me why Mr. Beers 20 performed legal services for the partnership that you 21 formed with Mr. Bitgood known as Lewis, Brisbois, 22 Bisgaard & Smith, LLP? 23 A. Objection, form. No. 24 Q. Okay. What's the matter with the question? 25 A. How would I know that? I don't know that.
23 1 A. I am. 2 Q. Do you have an umbrella insurance policy? 3 MR. BITGOOD: Objection, form. 4 A. Objection, form. I'm declining to answer that 5 question, but, actually, objection, form. It's not 6 relevant. The answer is no. 7 Q. (BY MR. FISHER) Okay. Well, it's a 8 deposition, so relevancy objections really aren't 9 appropriate. 10 A. I disagree, but go ahead. 11 Q. Are you still going to refuse to answer? 12 MR. BITGOOD: She just answered. She said 13 no. 14 A. I said no. 15 MR. FISHER: Mr. Bitgood, please don't 16 interrupt and please don't act like the attorney for 17 Ms. Norman. You're not an attorney and you're certainly 18 not Ms. Norman's attorney. She doesn't need your help. 19 MR. BITGOOD: She's not getting any help, 20 counselor. I have a right to make my objections. I 21 don't know how much you like that, but I have the right 22 to do so. But I have not advised her. 23 Q. (BY MR. FISHER) How do you know Brad Beers? 24 A. That's a pretty broad question. I know him as 25 a lawyer.	23 1 Q. Okay. Well, I asked you if you did know. 2 A. I don't know. 3 Q. Okay. Do you know why Mr. Beers prepared and 4 filed the assumed name certificate? 5 A. I have no personal knowledge of that. 6 Q. Okay. Do you have other knowledge perhaps 7 through conversations with others? 8 A. No. 9 Q. Did you ever speak to Mr. Beers about his 10 filing of an assumed name certificate for the 11 partnership that you had with Mr. Bitgood known as 12 Lewis, Brisbois, Bisgaard & Smith, LLP? 13 MR. BITGOOD: Objection, form, broad. 14 A. Not that I recall. 15 Q. (BY MR. FISHER) Okay. Do you know who 16 prepared the assumed name certificate that was filed on 17 June 1st, 2022, for your partnership with Mr. Bitgood 18 known as Lewis, Brisbois, Bisgaard & Smith, LLP? 19 A. You'd have to show it to me. I don't recall 20 it. I don't recall what you're talking about. 21 Q. Have you ever seen the assumed name certificate 22 that was filed on June 1st, 2022? 23 A. If you will show it to me, I'll let you know if 24 I have seen it. I don't -- does that have an exhibit 25 number?

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<p>1 Q. Yeah, I don't know if it's got one in your 2 depo, but I've got one right here. I'm going to hand 3 you what we have marked -- and I'm not sure if we've 4 used this yet -- as Exhibit 40 -- and ask you if you've 5 seen this document before.</p> <p>6 (Exhibit 40 marked.)</p> <p>7 A. Oh, I believe I have, but I don't -- I couldn't 8 tell you when.</p> <p>9 Q. (BY MR. FISHER) You can keep it.</p> <p>10 A. I couldn't tell you when or the circumstances 11 under it.</p> <p>12 Q. And can you tell me why -- well, do you know 13 who filed that document?</p> <p>14 A. No, sir.</p> <p>15 Q. It says at the bottom by Brad Beers.</p> <p>16 A. Yes, it does.</p> <p>17 Q. Does that lead you to believe that Mr. Beers 18 filed that -- that document?</p> <p>19 MR. BITGOOD: What document is that again, 20 Mr. Fisher?</p> <p>21 MR. FISHER: It's Exhibit 40.</p> <p>22 MR. BITGOOD: Thank you.</p> <p>23 A. One could believe that.</p> <p>24 Q. (BY MR. FISHER) Okay. Well, this involves 25 your partnership, does it not?</p>	<p>26</p> <p>1 which is not registered anywhere.</p> <p>2 Q. I'm not sure I understand.</p> <p>3 A. Okay.</p> <p>4 Q. So can you explain?</p> <p>5 A. If the official name is Lewis, Brisbois, 6 Bisgaard & Smith, LLP, creating a -- using the name 7 without the LLP is a violation of the law.</p> <p>8 Q. Okay. And why is that?</p> <p>9 A. Because the statute says so.</p> <p>10 Q. What statute is that?</p> <p>11 A. Well, let's see. Let's figure it out here.</p> <p>12 Okay. It's a group of three. Texas Business and 13 Commerce Code Section 71.201, .202, .203.</p> <p>14 Q. And what is the penalty or the sanction for a 15 violation of this statute?</p> <p>16 A. Without going --</p> <p>17 MR. BITGOOD: Objection, form.</p> <p>18 A. Without looking at the statute, I don't recall.</p> <p>19 It's -- I believe it's a misdemeanor as far as I can 20 recall. I don't recall the penalty.</p> <p>21 Q. (BY MR. FISHER) So it's a criminal violation?</p> <p>22 A. Yes, it is.</p> <p>23 Q. Okay. But that's in the Texas Business 24 Organizations Code?</p> <p>25 A. Business and Commerce Code. And I will point</p>
<p>27</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And what is the purpose of this assumed 3 name certificate?</p> <p>4 MR. BITGOOD: Objection, form, document 5 speaks for itself. Oh, look at that, domestic limited 6 liability partner.</p> <p>7 MR. FISHER: Once again, Mr. Bitgood, 8 you're not following the rules. We ask you to keep your 9 comments to yourself.</p> <p>10 MR. BITGOOD: I was reading from the 11 document, Mr. Fisher. Please forgive me.</p> <p>12 MR. FISHER: Read to yourself, please.</p> <p>13 MR. BITGOOD: I will, sir.</p> <p>14 A. It appears to be intended to be able to leave 15 off the comma LLP.</p> <p>16 Q. (BY MR. FISHER) Okay.</p> <p>17 A. That's what it appears to be.</p> <p>18 Q. Okay. Why was that done?</p> <p>19 A. I don't know. I would assume so that --</p> <p>20 MR. BITGOOD: Objection, form. Objection, 21 nonresponsive.</p> <p>22 A. I would assume so that there's no violation of 23 the law as your client has regularly done.</p> <p>24 Q. (BY MR. FISHER) What violation would that be?</p> <p>25 A. To use a name in commerce or in legal matters</p>	<p>29</p> <p>1 out to you that this is Document 60-1, Page 3 and 4 of 8 2 entitled "Order Taking Judicial Notice" signed on 3 September 13th, 2022, by Judge Lewis White and admitted 4 as evidence in this instant case.</p> <p>5 MR. FISHER: Objection, nonresponsive since 6 I didn't ask a question.</p> <p>7 Q. (BY MR. FISHER) Why didn't you or Mr. Easton 8 file this form?</p> <p>9 MR. BITGOOD: What was that question again, 10 Mr. Fisher?</p> <p>11 A. Why would -- repeat your question.</p> <p>12 Q. (BY MR. FISHER) Sure.</p> <p>13 MR. FISHER: Court reporter, go ahead.</p> <p>14 (Requested portion was read.)</p> <p>15 A. Well --</p> <p>16 MR. BITGOOD: Objection, form.</p> <p>17 A. I object to the fact that you're saying neither 18 one of us filed this form because if it were filed --</p> <p>19 MR. BITGOOD: Filed where?</p> <p>20 A. -- with the Secretary of State, it was, by 21 definition, filed on behalf of the partnership, which is 22 Mr. Easton and myself, so I really don't understand the 23 question.</p> <p>24 Q. (BY MR. FISHER) Okay. All right. I'll 25 rephrase it, then. It's a relatively simple form and</p>

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<p>1 easily accessible, especially for somebody who's an 2 attorney and especially for somebody who's providing 3 legal services as you were with this partnership, so why 4 did you need to engage another attorney to prepare and 5 file this form?</p> <p>6 MR. DUNWOODY: Object to form.</p> <p>7 A. Objection. I did not engage Mr. Beers, so I 8 can't tell you -- I can't answer that question.</p> <p>9 Q. (BY MR. FISHER) Okay. Then why did the 10 partnership engage Mr. Beers?</p> <p>11 MR. BITGOOD: Objection, form.</p> <p>12 A. Why not?</p> <p>13 Q. (BY MR. FISHER) I'm just asking what was the 14 reason why you engaged Mr. Beers to prepare and file or 15 at least file a very simple form?</p> <p>16 MR. DUNWOODY: Object to form.</p> <p>17 MR. BITGOOD: Objection, assumes a fact not 18 in evidence. Bennett, I don't want to tell you how to 19 deposition, but why didn't you ask her did you ask him 20 to do it.</p> <p>21 MR. FISHER: Thank you.</p> <p>22 Q. (BY MR. FISHER) Did you understand the 23 question, Ms. Norman?</p> <p>24 A. Yes, I did. I understood the question, but I 25 didn't see the need for me to do anything.</p>	<p>30</p> <p>1 I don't know for a fact that he did.</p> <p>2 Q. (BY MR. FISHER) All right. You know he's 3 being sued in this lawsuit as a defendant for, amongst 4 other things, conspiracy. Is it your testimony that 5 you've had no conversations with Mr. Beers or only no 6 conversations about this document?</p> <p>7 MR. DUNWOODY: Object to form.</p> <p>8 A. I don't -- I do not recall having any 9 conversations with Mr. Beers about any of the filings at 10 the Secretary of State.</p> <p>11 Q. (BY MR. FISHER) Including Exhibit 40?</p> <p>12 A. Including Exhibit 40.</p> <p>13 Q. Okay. Was there a particular reason, if you 14 know, why on Line 7 the assumed name certificate is to 15 cover all counties as opposed to just Fort Bend County 16 or Harris County and Fort Bend County?</p> <p>17 A. I don't have an answer. I don't know.</p> <p>18 Q. Okay. Did you ever check the federal patent 19 and trademark office or the copyright office or any 20 other listings to see if Lewis, Brisbois, Bisgaard & 21 Smith, LLP, known as our law firm, the law firm whose 22 office you're sitting in now, ever had a registered 23 trademark?</p> <p>24 MR. DUNWOODY: Object to form.</p> <p>25 Q. (BY MR. FISHER) Or servicemark?</p>
<p>31</p> <p>1 Q. Okay. Do you know who prepared this form?</p> <p>2 MR. DUNWOODY: Object to form.</p> <p>3 A. Now that's -- we're looking at Exhibit Number 4 40?</p> <p>5 Q. (BY MR. FISHER) Yes, ma'am.</p> <p>6 A. Do I have it here?</p> <p>7 Q. If we have another one we'll give it to you.</p> <p>8 MR. FISHER: Brad, do you have it?</p> <p>9 A. Okay. So what was your question?</p> <p>10 MR. FISHER: Mr. Dunwoody, do you have it?</p> <p>11 Allison, can you read it back?</p> <p>12 (Requested portion was read.)</p> <p>13 MR. DUNWOODY: That wasn't the last</p> <p>14 question.</p> <p>15 (Requested portion was read.)</p> <p>16 MR. DUNWOODY: Objection, form.</p> <p>17 A. It appears to me if you take the electronic 18 signature down below, this is by, colon, Brad Beers. It 19 could appear that Mr. Beers prepared this.</p> <p>20 Q. (BY MR. FISHER) Yes, ma'am.</p> <p>21 A. Okay.</p> <p>22 Q. Do you know for a fact that Mr. Beers prepared 23 this form?</p> <p>24 MR. DUNWOODY: Object to form.</p> <p>25 A. I have not spoken with Mr. Beers about this, so</p>	<p>33</p> <p>1 A. Actually, yes, I did.</p> <p>2 Q. Okay. When?</p> <p>3 A. I would have to -- I don't recall, but I do 4 recall finding that as of February 20 -- September 23rd, 5 2022, you did not have a registered trademark for the 6 words "Lewis, Brisbois, Bisgaard & Smith, LLP."</p> <p>7 Q. Okay. And did you do that search sometime in 8 2022?</p> <p>9 A. Yes, I did.</p> <p>10 Q. Would -- do you remember whether you did that 11 search in the spring of 2022?</p> <p>12 A. I recall that I did not.</p> <p>13 Q. You did not do that -- any kind of search for 14 the name of our law firm at any time in the spring of 15 2022?</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. Was it the summer of 2022 that you did 18 this search?</p> <p>19 A. Mr. Fisher, I don't remember. I just remember 20 that I was stunned and amazed to find that you had no 21 trademark for this name as of September the 23rd, 2022.</p> <p>22 Q. But you did discover that we had a registered 23 servicemark known as -- under the name Lewis, Brisbois, 24 Bisgaard & Smith, LLP?</p> <p>25 A. What are you calling --</p>

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1 MR. DUNWOODY: Object to form.	1 A. Objection, form.
2 A. A servicemark?	2 MR. BITGOOD: Objection, form.
3 Q. (BY MR. FISHER) The name "Lewis, Brisbois, 4 Bisgaard & Smith, LLP."	3 A. I found that it was registered and cancelled.
5 MR. DUNWOODY: Object to form.	4 Q. (BY MR. FISHER) Okay. That's fine. I
6 A. No, sir. I found that it -- I found that your 7 right to this trademark had been cancelled, I think, ten 8 years before you filed this lawsuit.	5 understand that it's -- the registration lapsed or 6 something, but the bottom line is that you were able to 7 find that at one time, Lewis, Brisbois, Bisgaard & 8 Smith, LLP, the law firm whose office you're sitting in 9 right now, had a registered trademark or servicemark?
9 Q. (BY MR. FISHER) Ten years?	10 MR. DUNWOODY: Object to form.
10 A. I think it was ten years. I have filed in one 11 of the filings with the Court the cancellation by patent 12 and trademark office of the document filed by Bill 13 Helfand, William Helfand. I believe it's Exhibit 1 in 14 your September 23rd, 2022, original petition where he 15 asserted that that was an active -- an active filing and 16 it was not.	11 A. Okay. I found --
17 Q. You found that was a mistake?	12 Q. (BY MR. FISHER) That's your testimony?
18 A. No, I found it was --	13 MR. DUNWOODY: Object to form.
19 MR. BITGOOD: Objection, form.	14 A. It is my testimony that I found prior to -- it 15 was not lapsed. It was cancelled by the USPTO. Those 16 are two different words. And I have filed that 17 cancelled -- a certified copy of that cancellation of 18 record. I found that at one time, the four-word, comma, 19 LLP -- Lewis, Brisbois, Bisgaard & Smith, LLP -- had 20 been registered as a servicemark, if you will.
20 Q. (BY MR. FISHER) It was an inaccurate 21 statement?	21 It was cancelled, I'm going to say, 22 possibly ten years ago. And I am going to defer to the 23 actual certified copy that was filed in this case of the 24 cancellation.
22 A. It was perjury.	25 Q. (BY MR. FISHER) Okay. But in order to be
23 Q. Okay. Well, that's your opinion.	
24 A. That is my opinion.	
25 Q. Because you can't possibly know what the	
35	37
1 intention was with Mr. Helfand, could you?	1 cancelled, you have to agree with me that it had to 2 exist?
2 A. Oh, I definitely can --	3 MR. DUNWOODY: Object to form.
3 MR. BITGOOD: Objection. Ms. Norman, 4 please. Objection as to form as to what was going on in 5 Helfand's mind, which, by the way, is a very sick mind.	4 Q. (BY MR. FISHER) Agreed?
6 A. I will tell you that --	5 A. I have to agree -- I agree with you that at one 6 point in time it existed.
7 MR. FISHER: Objection to any sidebars like 8 that. This is an accommodation that we've made for you, 9 Mr. Easton. Please don't abuse it.	7 Q. Okay. And as we discussed last time, you knew 8 sometime in early March of 2022 that there was a law 9 firm located in Houston, Texas in this building on this 10 floor named Lewis, Brisbois, Bisgaard & Smith, LLP --
10 A. My answer is that he filed a document on 11 September the 23rd which contained false assertions. He 12 continued his false assertions on October the 6th 13 knowing that only on September the 29th, 2022, did one 14 of your patent and trademark attorneys from California 15 file a new application for this four-name, comma, LLP to 16 be re -- to be granted.	11 MR. BITGOOD: Objection, form.
17 Q. (BY MR. FISHER) All right. I'm going to ask 18 the question a different way because I don't think 19 you're answering the original question. At least 20 sometime in September or October of 2022, from your 21 searches you discovered that at one time, the name of 22 our law firm, Lewis, Brisbois, Bisgaard & Smith, LLP was 23 registered with the USPTO --	12 Q. (BY MR. FISHER) -- correct?
24 MR. DUNWOODY: Object to form.	13 MR. BITGOOD: Assumes a fact not in 14 evidence.
25 Q. (BY MR. FISHER) -- correct?	15 A. I learned in March, after March the 11th, 2022, 16 that the law firm located in this building and the 17 Dallas -- as well as in Dallas lost its authority to do 18 business in Texas via the forfeiture of its right to do 19 business as a foreign LLP. And it's the law firm that 20 we're sitting in now, which is a California foreign LLP.

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1 organized and was practicing law, under your assumption 2 rightfully or wrongfully, but was practicing law in 3 Houston, Texas? 4 MR. DUNWOODY: Object to form. 5 A. No, sir, I did not find that out. What I 6 found was law firms don't practice law. Individual 7 lawyers practice law. So the law firm was not 8 practicing law. The law firm was apparently appearing 9 in court through its lawyers. And the law firm had no 10 right to appear as a law firm as of March the 9th, 2022. 11 Q. (BY MR. FISHER) But you just said that law 12 firms don't practice law. 13 A. That's what I said. 14 Q. They don't appear in court. 15 A. So the law firm doesn't -- you said the law 16 firm was practicing law. It was not practicing law. It 17 was acting -- it was conducting business in Texas by 18 having its lawyers represent clients and it had no 19 rights to conduct business in Texas. 20 Q. Okay. That's your opinion of the law, correct? 21 A. No, sir. It is not my opinion. When the Texas 22 Secretary of State says that you have forfeited your 23 right to do business in Texas as a law firm, that's not 24 my opinion. That is a fact. 25 Q. But the lawyers are practicing under the name,	38 1 business in Texas. He did not appear as a sole 2 practitioner or on his own accord doing business. 3 Q. But rightfully or wrongfully, the law firm 4 known as Lewis, Brisbois, Bisgaard & Smith, LLP has been 5 practicing law in Texas continuously for many years, 6 correct? 7 MR. DUNWOODY: Object to form. 8 A. I didn't -- 9 MR. BITGOOD: Objection, form. Objection, 10 form. 11 MR. FISHER: We heard you. 12 A. No, it has not. No. 13 Q. (BY MR. FISHER) No? 14 A. Law firms don't practice law. Law firms 15 conduct business with lawyers appearing under the rubric 16 of that name. And if that name has no authority to 17 conduct business in Texas, that's one of the reasons 18 that Judge White granted the Rule 12 motion to -- on 19 September 13th. 20 Q. Well, I'm going to object to -- 21 MR. FISHER: Objection, nonresponsive. 22 Q. (BY MR. FISHER) You can't possibly speculate 23 why Judge White ruled what he did and signed what he 24 did, can you? 25 A. It's not speculation to know that his findings	40
39 1 rightfully or wrongfully, subject to penalties of a 2 misdemeanor or some other penalty, but if they're 3 practicing law under the name Lewis, Brisbois, Bisgaard 4 & Smith, LLP, that was a fact that you knew of at least 5 on March 11th, 2022? 6 MR. DUNWOODY: Object to form. 7 MR. BITGOOD: Objection, form. 8 Q. (BY MR. FISHER) We already had that 9 conversation. I'm just trying to go a little bit 10 further with that. You already testified that you knew 11 of the name and the law firm Lewis, Brisbois, Bisgaard & 12 Smith. Do you recall that testimony? 13 A. Yes. 14 Q. Okay. Because I think the way that you 15 explained that you knew is that David Oubre, one of the 16 attorneys in this firm in this office filed a pleading 17 in a case that you were involved in? 18 A. That's correct. 19 Q. Okay. So on that date, rightfully or 20 wrongfully, David Oubre, under the name or practicing in 21 the offices of Lewis, Brisbois, Bisgaard & Smith, 22 appeared in a pleading that you had knowledge of, 23 correct? 24 A. He appeared as an employee/partner/managing 25 partner of an entity that had no right to conduct	41 1 of fact speak for themselves and they're admitted as 2 evidence already. 3 Q. All right. I'm not going to argue with that 4 part of it, but then I want to move on to May. And you 5 formed a partnership with Mr. Bitgood under the exact 6 same name as the law firm Lewis, Brisbois, Bisgaard & 7 Smith, LLP, did you not? 8 A. Yes. 9 Q. Okay. And within a week or two after that, you 10 learned that, rightfully or wrongfully, the right to do 11 business in Texas by Lewis, Brisbois, Bisgaard & Smith, 12 the California limited liability partnership, had again 13 retained the right to do business in Texas retroactive 14 to late March. You did learn that, correct? 15 MR. DUNWOODY: Object to form. 16 MR. BITGOOD: Objection. Object to the 17 form of the question. 18 A. I learned on June 9th, 2022, that the Secretary 19 of State had filed on that day the reapplication. 20 Q. (BY MR. FISHER) Reinstatement? 21 A. No, I don't think it -- no, it was not a 22 reinstatement. It was a new application by the 23 California entity. 24 Q. Okay. 25 A. Reinstatement would have to have occurred by	41

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<p>1 March 9th. That was not done.</p> <p>2 Q. Okay. But it was -- it was granted authority</p> <p>3 retroactive to March 26th or 27th?</p> <p>4 A. It was granted authority to conduct business in</p> <p>5 Texas, but when I questioned the attorney for the -- I</p> <p>6 got to the attorney for the Secretary of State, they</p> <p>7 don't get into who has the right to conduct name under</p> <p>8 that business.</p> <p>9 That's why we filed a declaratory action,</p> <p>10 which was granted on September 13th. The orders --</p> <p>11 declaratory action seeking who had the right to use that</p> <p>12 name. And --</p> <p>13 Q. All right. But at least -- at least by late</p> <p>14 March, this law firm had the right to conduct business</p> <p>15 in Texas, did it not?</p> <p>16 MR. DUNWOODY: Object to form.</p> <p>17 MR. BITGOOD: Objection, form.</p> <p>18 A. As of June 9th -- as of June 9th, it was shown</p> <p>19 that there was the right to conduct business in Texas,</p> <p>20 but until June the 9th, that authority did not appear</p> <p>21 anywhere in the Texas Secretary of State website.</p> <p>22 Q. (BY MR. FISHER) Okay. So it wasn't until</p> <p>23 June 9th that you knew that the law firm originally</p> <p>24 organized in California and whose office you're sitting</p> <p>25 in right now known as Lewis, Brisbois, Bisgaard & Smith,</p>	<p>42</p> <p>1 And Document 42 was filed September 22nd, 2022, after</p> <p>2 Judge White's rulings on September the 13th. So that</p> <p>3 was filed, yes, sir.</p> <p>4 Q. Okay. So the answer is that after you knew</p> <p>5 that the law firm known as Lewis, Brisbois, Bisgaard &</p> <p>6 Smith, LLP was authorized to do business in Texas, you</p> <p>7 filed on more than one occasion pleadings or other</p> <p>8 documents for public record under your partnership name</p> <p>9 also known as Lewis, Brisbois, Bisgaard & Smith, LLP,</p> <p>10 correct?</p> <p>11 MR. DUNWOODY: Object to form.</p> <p>12 Q. (BY MR. FISHER) Yes or no?</p> <p>13 MR. BITGOOD: Objection as to form.</p> <p>14 A. Yes.</p> <p>15 MR. FISHER: Okay. Let's take about a</p> <p>16 five-minute break.</p> <p>17 MR. BITGOOD: Can you make it ten, please,</p> <p>18 so I can go to the restroom, Mr. Fisher?</p> <p>19 THE VIDEOGRAPHER: We are going off the</p> <p>20 record. The time is 11:25.</p> <p>21 (Break taken from 11:25 a.m. to 11:39 a.m.)</p> <p>22 THE VIDEOGRAPHER: Going on the record.</p> <p>23 The time is 11:38.</p> <p>24 Q. (BY MR. FISHER) Ms. Norman?</p> <p>25 A. Yes, sir.</p>
<p>1 LLP was authorized to do business in Texas?</p> <p>2 MR. DUNWOODY: Object to form.</p> <p>3 A. Yes.</p> <p>4 Q. (BY MR. FISHER) Okay. So for one week --</p> <p>5 well, two weeks since you formed your partnership with</p> <p>6 Mr. Bitgood, did you file anything in any court or send</p> <p>7 any correspondence under the name "Lewis, Brisbois,</p> <p>8 Bisgaard & Smith, LLP"?</p> <p>9 A. You would have to look at the state court</p> <p>10 record. More than likely, yes, but I don't recall the</p> <p>11 filings.</p> <p>12 Q. Okay. But after June 9th, you did file on</p> <p>13 several occasions pleadings or correspondence under the</p> <p>14 name "Lewis, Brisbois, Bisgaard & Smith, LLP," did you</p> <p>15 not?</p> <p>16 MR. BITGOOD: Objection, form. Assumes a</p> <p>17 fact not in evidence.</p> <p>18 A. Okay. Mr. Fisher, if you want to show me</p> <p>19 something that you say I filed, I'm happy to confirm or</p> <p>20 deny it.</p> <p>21 Q. (BY MR. FISHER) Sure. We already -- well, I</p> <p>22 already showed you two. One was a letter to -- I think</p> <p>23 that was Exhibit 67. And then there was another</p> <p>24 document that was Exhibit 42. So I showed you two.</p> <p>25 A. Okay. Let me get these rearranged here. Okay.</p>	<p>43</p> <p>1 Q. If I understand reading between the lines or</p> <p>2 listening between the lines to your testimony, do you</p> <p>3 think that Judge White's ruling somehow allowed you to</p> <p>4 again use the name "Lewis, Brisbois, Bisgaard & Smith,</p> <p>5 LLP" --</p> <p>6 A. Yes, sir.</p> <p>7 MR. DUNWOODY: Object to form.</p> <p>8 Q. (BY MR. FISHER) -- after his ruling?</p> <p>9 MR. BITGOOD: Please let us object.</p> <p>10 Objection to form.</p> <p>11 A. Yes, I do.</p> <p>12 Q. (BY MR. FISHER) Okay. And that's because he</p> <p>13 concluded somehow that -- what?</p> <p>14 A. Well, I'm going to point you to the findings of</p> <p>15 fact and conclusions of law.</p> <p>16 Q. Well, I can read them, but I want to know what</p> <p>17 it is that you think allows you to use the name of our</p> <p>18 law firm in the mediation and arbitration business that</p> <p>19 you set up with Mr. Bitgood?</p> <p>20 MR. BITGOOD: Objection, assumes --</p> <p>21 objection, form.</p> <p>22 A. Objection -- objection, form. You are stating</p> <p>23 a question as if it is an ongoing use of the name and it</p> <p>24 is not.</p> <p>25 Q. (BY MR. FISHER) What do you mean it's not</p>

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<p>1 ongoing? It was ongoing.</p> <p>2 A. It was -- at the -- between September the 13th</p> <p>3 and October the 6th, it was ongoing until it was shut</p> <p>4 down October the 6th.</p> <p>5 Q. But you formed it May 26th.</p> <p>6 A. That's right.</p> <p>7 Q. So wasn't it ongoing at that point forward?</p> <p>8 MR. DUNWOODY: Object to form.</p> <p>9 Q. (BY MR. FISHER) The duration was perpetual?</p> <p>10 A. Right, until it was shut down on October 6th.</p> <p>11 Q. Right, but until that time, it was used</p> <p>12 continuously, correct?</p> <p>13 MR. DUNWOODY: Object to form.</p> <p>14 A. It was used from September the 26th or --</p> <p>15 excuse me, from May 26th or 31st, whichever the date is,</p> <p>16 I don't have it in front of me, until October the 6th,</p> <p>17 the name was used.</p> <p>18 Q. (BY MR. FISHER) Okay. And you think it was</p> <p>19 okay to use the name after Judge White issued his ruling</p> <p>20 on September 13th?</p> <p>21 A. Yes.</p> <p>22 Q. So you think after September 13th, it was okay</p> <p>23 to use the name?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Because in your opinion, Judge White's</p>	<p>46</p> <p>1 Brisbois, Bisgaard & Smith, LLP," the name of our law</p> <p>2 firm whose office you're sitting in right now?</p> <p>3 MR. DUNWOODY: Object to form.</p> <p>4 MR. BITGOOD: Objection as to form.</p> <p>5 A. Objection as to form. Usurp is an incorrect</p> <p>6 term.</p> <p>7 Q. (BY MR. FISHER) Okay. How about just use?</p> <p>8 You think it's okay the use the name "Lewis, Brisbois,</p> <p>9 Bisgaard & Smith, LLP" after September 13th because</p> <p>10 that's what Judge White -- because of something Judge</p> <p>11 White ruled?</p> <p>12 MR. DUNWOODY: Object to form.</p> <p>13 A. I took Judge White's ruling to mean that, yes,</p> <p>14 we had the right to use that name.</p> <p>15 Q. (BY MR. FISHER) Okay. Regardless of any</p> <p>16 federal law including the Lanham Act?</p> <p>17 MR. DUNWOODY: Object to form.</p> <p>18 A. Federal law does not supercede state law in</p> <p>19 this case. There is concurrent jurisdiction.</p> <p>20 Q. (BY MR. FISHER) I didn't ask about</p> <p>21 jurisdiction. I asked about the law.</p> <p>22 A. Well, in order for the law to apply, there has</p> <p>23 to be jurisdiction. So the jurisdiction of state law,</p> <p>24 there's concurrent jurisdiction. There's no -- no</p> <p>25 singular jurisdiction that applies in this matter.</p>
<p>47</p> <p>1 ruling -- first of all, Judge White's an associate judge</p> <p>2 of a county court?</p> <p>3 A. Objection, form. It assumes -- you are lacking</p> <p>4 a fact.</p> <p>5 Q. Okay. What fact?</p> <p>6 A. The fact that there was an unopposed by your</p> <p>7 firm and Mr. -- and Mr. Oubre, there was an unopposed</p> <p>8 order signed by the elected judge appointing Judge White</p> <p>9 to all matters relating to this case.</p> <p>10 So that order conferred the elected judge's</p> <p>11 authority on everything Judge White did. So if you call</p> <p>12 him an associate judge, that's technically his title,</p> <p>13 but he was confirmed with a specific order to hear</p> <p>14 everything in this case.</p> <p>15 Q. All right.</p> <p>16 MR. FISHER: Objection, nonresponsive.</p> <p>17 Q. (BY MR. FISHER) Let's go back to my question.</p> <p>18 Judge White is an associate judge in a county court in</p> <p>19 Fort Bend County, correct?</p> <p>20 MR. BITGOOD: Objection, form.</p> <p>21 A. To that extent, yes.</p> <p>22 Q. (BY MR. FISHER) Okay. That's all I'm asking.</p> <p>23 I'm not -- not going any further than that. All right.</p> <p>24 So just to recap, the -- you think it's okay that a</p> <p>25 county court ruling allowed you to usurp the name "Lewis</p>	<p>49</p> <p>1 There is concurrent jurisdiction of state and federal</p> <p>2 court.</p> <p>3 And your -- this California entity made no</p> <p>4 opposition to anything done in state court, specifically</p> <p>5 on the hearing of August -- excuse me, September 13th.</p> <p>6 Mr. Oubre made no opposition. He called no witnesses.</p> <p>7 He put -- I don't think he put in one</p> <p>8 exhibit. He didn't oppose, so yes, the state court has</p> <p>9 concurrent jurisdiction and that was the first entity in</p> <p>10 which this contest over the name was brought.</p> <p>11 Q. Okay.</p> <p>12 MR. FISHER: Objection, nonresponsive.</p> <p>13 Q. (BY MR. FISHER) So let me ask it another way.</p> <p>14 Would it be, in your opinion, okay in accordance with</p> <p>15 law for you and Mr. Bitgood to start up using the name</p> <p>16 "Lewis, Brisbois, Bisgaard & Smith, LLP" again based on</p> <p>17 what you've already testified to and based on all of</p> <p>18 your knowledge of facts and the law?</p> <p>19 MR. DUNWOODY: Object to form.</p> <p>20 Q. (BY MR. FISHER) Including, by the way, I'll</p> <p>21 add this, too, Judge White's order and findings of fact?</p> <p>22 A. Not without filing another -- for another</p> <p>23 entity with the Texas Secretary of State.</p> <p>24 Q. Or you could file just an assumed name</p> <p>25 certificate, couldn't you?</p>

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<p>1 MR. DUNWOODY: Object to form.</p> <p>2 Q. (BY MR. FISHER) It could be Sue Norman doing</p> <p>3 business as Lewis, Brisbois, Bisgaard & Smith, LLP?</p> <p>4 MR. BITGOOD: Objection, form.</p> <p>5 A. No.</p> <p>6 Q. (BY MR. FISHER) Why not?</p> <p>7 A. Because knowing that there is now at least</p> <p>8 applied for trademark and that presumably you're still</p> <p>9 authorized to do business in Texas, it's not something I</p> <p>10 would ever consider doing.</p> <p>11 THE VIDEOGRAPHER: Excuse me, Mr. Fisher.</p> <p>12 Do you have your microphone on?</p> <p>13 MR. FISHER: Wow. I'm sorry. That would</p> <p>14 explain why you can't hear me.</p> <p>15 THE VIDEOGRAPHER: I mean, I could hear</p> <p>16 you. I could just tell the audio was a little lower.</p> <p>17 MR. FISHER: I appreciate that. I'm sorry.</p> <p>18 Q. (BY MR. FISHER) All right. So if the -- but</p> <p>19 as of right now, and I haven't looked, but have you</p> <p>20 looked to see whether we once again have a registered</p> <p>21 trademark to use or servicemark to use the name</p> <p>22 "Lewis, Brisbois, Bisgaard & Smith"?</p> <p>23 MR. DUNWOODY: Object to form.</p> <p>24 A. No, I have not.</p> <p>25 Q. (BY MR. FISHER) Okay. But if there is no</p>	<p>50 1 Texas entity was formed and filed --</p> <p>2 Q. (BY MR. FISHER) Which Texas entity?</p> <p>3 A. There's only one Texas entity.</p> <p>4 Q. You're talking about your partnership with</p> <p>5 Mr. Bitgood?</p> <p>6 A. Right.</p> <p>7 Q. Okay.</p> <p>8 A. The California entity as a foreign LLP got</p> <p>9 registered, and I presume will stay registered from now</p> <p>10 on. But at that time -- at the time this was formed</p> <p>11 originally, there was nothing showing that it was --</p> <p>12 that the California LLP was authorized to do business in</p> <p>13 Texas.</p> <p>14 Q. Okay. So I'll ask you again. In your opinion,</p> <p>15 was it legal for you to use the name, in your opinion,</p> <p>16 "Lewis, Brisbois, Bisgaard & Smith, LLP" after June 9th,</p> <p>17 2022?</p> <p>18 MR. DUNWOODY: Object to form.</p> <p>19 A. Yes.</p> <p>20 MR. BITGOOD: Form.</p> <p>21 (Exhibit 58 marked.)</p> <p>22 Q. (BY MR. FISHER) Okay. I'm going to hand you</p> <p>23 what I've marked as Exhibit 58 and ask you if you've</p> <p>24 seen that document before?</p> <p>25 MR. BITGOOD: What's 58? Mr. Fisher, mine</p>
<p>51 1 registered mark for Lewis, Brisbois, Bisgaard & Smith,</p> <p>2 LLP, based on your knowledge of the law and the facts</p> <p>3 including Judge White's order, you believe it would be</p> <p>4 okay to use the name "Lewis, Brisbois, Bisgaard & Smith,</p> <p>5 LLP"?</p> <p>6 MR. DUNWOODY: Object to form.</p> <p>7 MR. BITGOOD: Objection as to form.</p> <p>8 A. No, I would not do it.</p> <p>9 Q. (BY MR. FISHER) Why?</p> <p>10 A. Why would I not do it?</p> <p>11 Q. Well, I didn't ask you whether you would do it.</p> <p>12 I said do you think that it's okay legally?</p> <p>13 MR. DUNWOODY: Object to form.</p> <p>14 Q. (BY MR. FISHER) Do you need me to repeat the</p> <p>15 whole thing?</p> <p>16 A. No, I don't, but I see where you're going with</p> <p>17 this. And until September the 16th, I believe, 2022,</p> <p>18 there was not one hint from the California entity or</p> <p>19 Mr. Oubre that there was any opposition to the use of</p> <p>20 this name.</p> <p>21 Q. Okay. So you think that it was okay legally to</p> <p>22 use the name "Lewis, Brisbois, Bisgaard & Smith, LLP"</p> <p>23 because no lawsuit had been filed?</p> <p>24 MR. DUNWOODY: Objection, form.</p> <p>25 A. No, sir. At the time that the entity -- the</p>	<p>53 1 ends at 57.</p> <p>2 MR. DUNWOODY: So this has the Bates Number</p> <p>3 on it that's LBBS 247 through 259.</p> <p>4 A. This is -- purports to be an e-mail from</p> <p>5 Meredith Riede to Norman Ray Giles, which is forwarding</p> <p>6 your e-mail -- that her e-mail is August 17th. She's</p> <p>7 forwarding your e-mail.</p> <p>8 Q. (BY MR. FISHER) Who's me?</p> <p>9 A. I'm sorry?</p> <p>10 Q. It says -- the forwarded e-mail says from East</p> <p>11 Pro Law.</p> <p>12 A. That's right.</p> <p>13 Q. That's not me.</p> <p>14 A. I didn't say me.</p> <p>15 Q. You said you.</p> <p>16 A. No -- well, you being -- I'm in the --</p> <p>17 Q. You said your e-mail.</p> <p>18 A. Okay. Excuse me. It's a forwarded message</p> <p>19 from East Pro Law at eastprolaw@msn.com dated</p> <p>20 August 17th, 2022, at 4:27 p.m. attaching an</p> <p>21 un-filestamped pleading of August 17th entitled</p> <p>22 "Timeline and Chronology" regarding the -- beginning</p> <p>23 November 5th, 2021, going through seven -- seven pages</p> <p>24 of timeline up through August 2022 regarding the</p> <p>25 lawsuit -- excuse me, 22-CCV-070378.</p>

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<p>1 Q. Okay. Now, this is the -- the lawsuit that you 2 just mentioned is the lawsuit in county court that 3 involved some sort of an eviction proceeding? 4 A. No. It's -- this was not an -- 5 Q. Well, what is -- 6 A. Anyway -- 7 Q. You signed this pleading, so what was this 8 lawsuit about? 9 MR. BITGOOD: Objection as to form. 10 A. It's a lawsuit by Richard Jones and Michael 11 Bitgood of Lewis, Brisbois, Bisgaard & Smith versus 12 Karina Martinez, Marianna Sullivan, Imperial Lofts, LLC, 13 David Cubre, Chinasa Ogburuke, Imperial Lofts Owner, 14 LLC, and the California foreign entity over various 15 thefts, violations of the CARES act, a lot of -- I won't 16 go through the entire lawsuit with you -- filed in 17 County Court At Law Number 3 of Fort Bend County. 18 Q. (BY MR. FISHER) Okay. Now, just to be clear, 19 this e-mail was sent from East Pro Law, 20 eastprolaw@msn.com, correct? 21 A. Yes. 22 Q. Okay. And whose e-mail address is 23 eastprolaw@msn.com? 24 MR. BITGOOD: Objection to form. 25 A. Michael Easton/Michael Bitgood.</p>	<p>54 1 MR. BITGOOD: Why don't you ask her that? 2 A. I'm going to object. No, that -- I can tell 3 you that almost categorically that didn't happen. 4 Q. (BY MR. FISHER) Okay. But you found out about 5 this sometime after this was sent, this e-mail? 6 A. At some point, yes. 7 Q. All right. Do you know who Meredith Riede is? 8 A. Yes, I do. 9 Q. Can you tell the Court? 10 A. She is -- as best I can recollect, she is the 11 Sugar Land city attorney. 12 Q. Okay. Do you know why this e-mail was sent by 13 Mr. Bitgood to Meredith Riede? 14 A. August 17th. I don't recall what events 15 happened August 17th, but I -- I have -- I had been 16 attempting to contact her regarding my client, Richard 17 Jones. 18 Q. Okay. 19 A. And police corruption related to him. 20 Q. Okay. 21 A. And got pretty much zero response from her. 22 Q. Pretty much. What do you mean pretty much? 23 A. Well, I'll -- it's something -- and I don't 24 recall. I'd have to look at the -- I would have to 25 look. We'll get back with you. I'll get back with you.</p>
<p>55 1 Q. (BY MR. FISHER) Okay. And did you know about 2 this e-mail when it was sent? 3 MR. BITGOOD: Objection as to form. E-mail 4 sent to who? From Meredith Riede or from me? 5 Q. (BY MR. FISHER) Did you know about 6 Mr. Bitgood's e-mail to Meredith Riede? 7 MR. BITGOOD: Thank you. 8 A. I don't see -- I don't see my name on the 9 service list here. 10 Q. (BY MR. FISHER) I didn't ask that question. 11 Did you know that this e-mail was sent? 12 A. At some point I probably did. I don't know 13 when. 14 Q. Okay. You don't know whether it was soon after 15 or before? 16 A. I don't know that I would have known before it 17 was sent. 18 Q. So you could have known? 19 MR. BITGOOD: Objection as to form. 20 A. How would I know an e-mail is sent if I -- 21 before it's sent? 22 Q. (BY MR. FISHER) Easily. Mr. Bitgood could 23 have sent it to you and say what do you think? I'm 24 going to send this to Meredith Riede. 25 A. No.</p>	<p>57 1 I don't have anything the show you. There's no 2 complaint form, etc. 3 Q. But you don't know whether she followed up or 4 whether she did an investigation? 5 A. I don't remember. 6 Q. Okay. But she could have? 7 A. She could have. 8 Q. Okay. Now, why do you think, if you know, this 9 chronology was sent to her in the form of the pleading? 10 A. I didn't send it to her, so I would hesitate to 11 speak for Mr. Bitgood. You can ask him in a deposition, 12 if you'd like. 13 Q. Was this pleading filed? 14 MR. BITGOOD: Objection, form. The 15 pleading will speak for itself when it was filed. 16 A. Well, there's not a file stamp on this one. 17 Q. (BY MR. FISHER) I know there's not a file 18 stamp. 19 A. So I don't know. I don't remember if it was 20 filed or not. 21 Q. Your name is attached to it. Do you remember 22 whether this was filed or not? 23 MR. DUNWOODY: Objet to form. 24 A. Do you want me to guess? It would be a guess. 25 Q. (BY MR. FISHER) Okay. Did you help put</p>

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1 together this timeline? 2 A. It does not look like I did. 3 Q. All right. And just for the record, this 4 document, whether it was filed or not, is in a pleading 5 form with the letterhead at the top that says "Lewis, 6 Brisbois, Bisgaard & Smith, LLP," does it not? 7 MR. DUNWOODY: Object to form. 8 A. It does. It's also dated August 17th, 2022. 9 Q. (BY MR. FISHER) Right, which was several weeks 10 before Judge White's -- 11 A. That's correct. 12 Q. -- ruling, right? 13 A. Yes. 14 Q. Okay. And you believe that it was legally 15 permissible to file a pleading of this nature with our 16 law firm's name at the top? 17 MR. BITGOOD: Objection as to form, our law 18 firm. 19 A. It is not your law firm. It's the same name as 20 your law firm, but it is not your law firm's name. It 21 clearly delineates that this is a mediation and 22 arbitration firm that has a Richmond, Texas address. 23 Q. (BY MR. FISHER) Would you agree with me that 24 the names at the top are at least exactly the same as 25 the names of our law firm, of my law firm?	58 1 let me ask it this way. Is the plaintiff in this 2 lawsuit, 22-CCV-070378, is the plaintiff your 3 partnership with Mr. Bitgood? 4 A. At the time -- 5 MR. BITGOOD: Object to form. 6 A. Okay. At the time the pleading was filed, the 7 answer is yes. 8 Q. (BY MR. FISHER) Okay. And is the defendant 9 Lewis, Brisbois, Bisgaard & Smith, LLP a California 10 foreign entity, is that my law firm, the law firm that 11 we're sitting in, whose office we're sitting in today? 12 MR. BITGOOD: Objection as to form. The 13 document speaks for itself. The defendant is the 14 California foreign entity. 15 Q. (BY MR. FISHER) Okay. Which is my law firm? 16 A. Which is at least this office using that name, 17 yes. 18 Q. Okay. What is the cause of action that gave 19 rise to Lewis, Brisbois, Bisgaard & Smith, LLP, a 20 California foreign entity, being accused of? 21 MR. BITGOOD: Objection, form. The 22 document speaks for itself. 23 Q. (BY MR. FISHER) This document does not, by the 24 way. That's why I'm asking you as the attorney of 25 record for the plaintiffs to explain to me what was the
59 1 MR. DUNWOODY: Object to form. 2 Q. (BY MR. FISHER) The law firm for which this 3 office is located and you're sitting in today? 4 MR. BITGOOD: Objection as to form. 5 A. Yes. 6 Q. (BY MR. FISHER) Okay. Now, looking at the 7 caption itself, what was the cause of action from the 8 plaintiff articulated as Lewis, Brisbois, Bisgaard & 9 Smith, LLP against David Oubre? 10 A. Sitting here today -- 11 MR. BITGOOD: Objection, form. Objection 12 as to form. Mr. Fisher, are you ever going to ask a 13 question about the federal lawsuit? Because it appears 14 to me you're litigating state court lawsuit, which you 15 already lost. 16 Q. (BY MR. FISHER) Please answer the question. 17 MR. BITGOOD: The pleading speaks for 18 itself, sir. The facts of the pleading are attached as 19 your exhibit, so you got -- 20 MR. FISHER: Please limit your 21 participation in this deposition to objection to form, 22 Mr. Bitgood. 23 MR. BITGOOD: Thank you, sir. 24 A. Sitting here today, I don't recall. 25 Q. (BY MR. FISHER) You don't know why -- well,	61 1 cause of action against my law firm? 2 A. This has been a year ago. There's been a lot 3 of pleadings filed. I would have to look at the June 4 24th, 2022, fourth amended petition including 5 declaratory judgment. Part of it -- part of that was to 6 declare who had the right to use that name. 7 Q. Okay. So let me ask the same question, then. 8 Why -- why did your partnership with Mr. Bitgood and why 9 did Mr. Bitgood sue Chinasa Ogbureke? 10 MR. BITGOOD: Objection as to form. 11 A. I don't know that she at this point was still a 12 defendant. She was nonsuited at some point. 13 Q. (BY MR. FISHER) Why was she sued at all? 14 A. I would have to look. 15 MR. BITGOOD: Objection as to form. What 16 is this? A sanctions hearing? 17 A. Mr. Fisher, I would have to look at the 18 pleadings. I'm not going to try to guess what was filed 19 when. There's been a lot of pleadings filed. 20 Q. (BY MR. FISHER) Okay. You're the attorney of 21 record. You can't tell me why your partnership and why 22 you filed -- 23 A. Not sitting here. 24 Q. -- a pleading -- 25 A. Not sitting here today.

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1 Q. Okay. Well, same question, then. Why did your 2 partnership with Mr. Bitgood and/or Mr. Bitgood and/or 3 Richard Jones file a lawsuit against David Oubre? 4 A. The same answer. Sitting here today, I don't 5 remember the original pleading, which was superceded by 6 an amended pleading, which was superceded by another 7 amended pleading. I don't remember which one we're 8 talking about, so until I can refresh my memory on 9 everything that was filed, I don't have an answer for 10 you. 11 Q. Are there still claims to this day against my 12 law firm, Lewis, Brisbois, Bisgaard & Smith, LLP? 13 MR. BITGOOD: Objection as to form. 14 Q. (BY MR. FISHER) Claims by any of the 15 plaintiffs that are in the lawsuit in County Court 16 Number 3 of Fort Bend County, Texas? 17 MR. BITGOOD: Objection as to form, sir. 18 Q. (BY MR. FISHER) If you know. 19 A. I don't. I'd have to look at the current state 20 of the record and I'm not able to do that. 21 Q. Okay. When did you first become aware that 22 there are lawyers in my law firm, Lewis, Brisbois, 23 Bisgaard & Smith, LLP, that do work as mediators or 24 arbitrators? 25 A. I'm not currently aware of that.	62 1 Mr. Helfand actually saying as an officer of the court 2 to Judge Ellison that this was a live -- attaching it as 3 an exhibit and failing to tell him that it had been 4 cancelled, and I'm going to say possibly ten years 5 before. 6 I was quite taken aback. And when I looked 7 on the website, that's -- I wanted to see more about 8 him. 9 (Exhibit 19 marked.) 10 Q. (BY MR. FISHER) I'm going to hand you what 11 I've marked as Exhibit 19 and ask you if you've seen 12 that document before whether in digital form on a screen 13 or whether on a piece of paper. 14 A. I believe -- 15 MR. BITGOOD: Can I see, Mr. Fisher? 16 MR. FISHER: Exhibit 19. 17 MR. BITGOOD: Thank you, sir. 18 MR. FISHER: Bates Number 100. 19 A. I've seen it before. 20 Q. (BY MR. FISHER) Okay. And the registration 21 date? 22 A. February 28th, 2017. 23 Q. Okay. And it's registered in the name of 24 Lewis, Brisbois, Bisgaard & Smith, LLP, correct? 25 MR. DUNWOODY: Object to form.	64
63 1 Q. Did you ever look at the website for -- 2 A. I did. 3 Q. -- our law firm? 4 A. I did. I saw nothing related to mediation or 5 arbitration. 6 Q. Did you look at any of the attorneys in the -- 7 listed in the website in the Houston office? 8 A. Some of them. 9 Q. Some of them? 10 A. Uh-huh. 11 Q. Which ones? 12 A. William Helfand, David Oubre. 13 Q. That was it? 14 A. I believe so. 15 Q. Why Helfand? 16 A. Do you really want an answer to that? 17 Q. I do. 18 A. Okay. I was completely taken aback by false 19 statements made by Mr. Helfand willingly to a federal 20 judge, false documents filed by Mr. Helfand knowing that 21 what he was filing had to be false, failures to tell, 22 for example, Judge Ellison that the certificate of 23 issuance of the trademark, I think it's 32272 -- 322172 24 -- it's like a nine- or seven-digit number had been 25 revoked, had been cancelled by the USPTO despite	65 1 A. It's actually registered Lewis, Brisbois, 2 Bisgaard & Smith, LLP, parenthesis, California limited 3 partnership, close parenthesis. 4 Q. (BY MR. FISHER) Okay. That's a fair point. 5 That's a registration with the U.S. Patent and Trademark 6 Office? 7 MR. DUNWOODY: Object to form. 8 A. Yes, sir. 9 Q. (BY MR. FISHER) Okay. Do you remember the 10 first time you've seen this? 11 A. I don't remember the date. 12 Q. Okay. Would you say it was before or after 13 March 9th, 2022? 14 A. It was after. 15 Q. And it's a servicemark, correct? 16 MR. DUNWOODY: Object to form. 17 A. According to the USPTO, yes, it's a 18 servicemark. 19 Q. (BY MR. FISHER) Okay. And the service is? 20 A. Class 45, colon, legal services. 21 Q. Okay. 22 MR. DUNWOODY: Counsel, it's not your 23 contention that that was ever used by anybody in the 24 lawsuit, is it? 25 MR. FISHER: What do you mean that was ever	65

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<p>1 used?</p> <p>2 MR. DUNWOODY: That mark that you just put</p> <p>3 out there that said 19, that LB fanciful logo.</p> <p>4 MR. FISHER: Right, not the logo itself,</p> <p>5 but the name, the name "Lewis, Brisbois, Bisgaard &</p> <p>6 Smith, LLP."</p> <p>7 MR. DUNWOODY: Right, but it's not your</p> <p>8 contention that that registered -- registration number</p> <p>9 5151123 was ever used by anybody in this case?</p> <p>10 MR. FISHER: The logo with the L and the B</p> <p>11 interconnected like that, no, that was never used and</p> <p>12 I'm not contending that.</p> <p>13 (Exhibit 50 marked.)</p> <p>14 Q. (BY MR. FISHER) I'm going to hand you what</p> <p>15 we've marked as Exhibit 50 and ask you if you've -- if</p> <p>16 you recall seeing that letter before?</p> <p>17 A. Yes, I have. That's a September 16th, 2022,</p> <p>18 via e-mail to Mr. Bitgood and to me three days after</p> <p>19 Judge White's rulings from Ms. Lubert, who styles</p> <p>20 herself general counsel, Lewis, Brisbois, Bisgaard &</p> <p>21 Smith, LLP.</p> <p>22 Q. Do you have any reason to believe that that's</p> <p>23 not her title?</p> <p>24 A. Well, I can say that it was her title almost a</p> <p>25 year ago. I don't know what her current title is.</p>	<p>66</p> <p>1 Q. (BY MR. FISHER) Okay. You can't even though</p> <p>2 the testimony by Mr. Bitgood was pretty clear?</p> <p>3 MR. BITGOOD: What testimony is that?</p> <p>4 Objection as to form.</p> <p>5 A. What testimony is it you're talking about?</p> <p>6 You're going to have to show me his testimony if you</p> <p>7 want me to --</p> <p>8 Q. (BY MR. FISHER) You don't remember the hearing</p> <p>9 where Mr. Bitgood said, "Judge, I hear you. Since you</p> <p>10 found that Lewis, Brisbois, Bisgaard & Smith has</p> <p>11 acquired secondary meaning, we will cease and we will</p> <p>12 wind up our partnership or dissolve our partnership."</p> <p>13 Do you remember that testimony?</p> <p>14 MR. DUNWOODY: Object to form.</p> <p>15 A. I don't recall --</p> <p>16 MR. BITGOOD: Objection as to form. I have</p> <p>17 never testified in this case, although I'd love to.</p> <p>18 A. He's never testified in this case. He's never</p> <p>19 been put under oath.</p> <p>20 Q. (BY MR. FISHER) So you think that if you make</p> <p>21 a statement as a party to a federal judge in open court</p> <p>22 that if you're not under oath, it's not testimony?</p> <p>23 MR. DUNWOODY: Object to form.</p> <p>24 Q. (BY MR. FISHER) Or you can lie?</p> <p>25 MR. BITGOOD: Objection as to form.</p>
<p>67</p> <p>1 Q. Okay. But you did receive that letter on</p> <p>2 September 16th, 2022?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And you did not heed the warnings or</p> <p>5 acquiesce to the request of Ms. Lubert, did you?</p> <p>6 MR. BITGOOD: Objection as to form, heed</p> <p>7 the warnings. What is she, a female goddess?</p> <p>8 A. Would you repeat your question? Heed the</p> <p>9 warning? I mean, what warning was there?</p> <p>10 Q. (BY MR. FISHER) Second to last paragraph,</p> <p>11 "Based on the above, we demand that you dissolve</p> <p>12 immediately the entity named Lewis, Brisbois, Bisgaard &</p> <p>13 Smith, LLP, and cease any further activity which serves</p> <p>14 to identify yourself as our law firm.</p> <p>15 MR. BITGOOD: Objection, form. Assumes the</p> <p>16 fact that we were doing such a thing.</p> <p>17 A. Actually, the entity was dissolved within about</p> <p>18 two weeks.</p> <p>19 Q. (BY MR. FISHER) But that was pursuant to a</p> <p>20 finding by Judge Ellison, not pursuant to this letter,</p> <p>21 correct?</p> <p>22 MR. DUNWOODY: Object to form.</p> <p>23 MR. BITGOOD: Objection, assumes a fact not</p> <p>24 in evidence again.</p> <p>25 A. That -- no, I'm not -- I can't agree to that.</p>	<p>69</p> <p>1 A. Excuse me.</p> <p>2 MR. BITGOOD: Mr. Fisher, a statement is a</p> <p>3 statement. Testimony is under oath.</p> <p>4 MR. FISHER: I'm not deposing you today.</p> <p>5 Please limit your participation to objections to the</p> <p>6 form of the question and that's it.</p> <p>7 MR. BITGOOD: Okay. I'm objection to the</p> <p>8 form of the question.</p> <p>9 A. I don't mean to argue with you, but so far as I</p> <p>10 recall, he's never been put under oath in this case.</p> <p>11 Q. (BY MR. FISHER) I heard that.</p> <p>12 A. Okay.</p> <p>13 Q. That's not my followup question. Do you think</p> <p>14 it's okay, then, for a party to make statements in open</p> <p>15 court to a federal judge that are not accurate or not an</p> <p>16 intention of that party if they're not under oath?</p> <p>17 MR. DUNWOODY: Object to form.</p> <p>18 MR. BITGOOD: Ask Helfand that question.</p> <p>19 A. No, I don't think it's okay. You might -- you</p> <p>20 know, as I said, I was taken aback by Mr. Helfand's</p> <p>21 false statements multiple times.</p> <p>22 Q. (BY MR. FISHER) I'm not talking about</p> <p>23 Mr. Helfand. Was Mr. Helfand ever sanctioned? He was</p> <p>24 not, was he?</p> <p>25 A. Not yet.</p>

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<p>1 Q. He was not sanctioned in this case, was he?</p> <p>2 A. Nobody has been sanctioned in this case.</p> <p>3 Mr. Easton has not -- Mr. Bitgood has not been</p> <p>4 sanctioned.</p> <p>5 Q. Well, we received \$1,000 check from you --</p> <p>6 A. Yep.</p> <p>7 Q. -- Ms. Norman, which I think was the result of</p> <p>8 a sanction.</p> <p>9 A. Actually, I retract that statement, but that</p> <p>10 was under duress and that's still up for grabs.</p> <p>11 Q. All right. Once again, do you recall the</p> <p>12 statements made or the testimony, however you want to</p> <p>13 characterize it, by Mr. Bitgood when he acknowledged to</p> <p>14 Judge Ellison that because the Court found that Lewis,</p> <p>15 Brisbois, Bisgaard & Smith, LLP has acquired secondary</p> <p>16 meaning that he would or you two would dissolve your</p> <p>17 partnership and not continue to do business under that</p> <p>18 name?</p> <p>19 MR. DUNWOODY: Object to form.</p> <p>20 A. Before I agree that Mr. Bitgood said the exact</p> <p>21 words that you are stating, I will acknowledge that</p> <p>22 he -- that he said that he under -- that he understood</p> <p>23 that Judge Ellison, and I'm using a broad brush, had used</p> <p>24 the term "secondary meaning" and that the Texas entity</p> <p>25 would be dissolved.</p>	<p>70</p> <p>1 you won't agree to it?</p> <p>2 MR. DUNWOODY: Object to form.</p> <p>3 A. No. I'm saying I will not agree to an</p> <p>4 injunction. If there's going to be an injunction --</p> <p>5 here's the problem. Here's part of the problem. This</p> <p>6 lawsuit was brought in a fashion that violates the</p> <p>7 Palmer Doctrine, violates Rooker-Feldman, in</p> <p>8 contravention of Howlett versus Rose.</p> <p>9 This lawsuit was brought for an improper</p> <p>10 purpose because you lost a lawsuit in state court. And</p> <p>11 a federal court does not sit as an appellate court for a</p> <p>12 state court matter until and unless you go all the way</p> <p>13 up to the United States Supreme Court.</p> <p>14 So you have asked Judge Ellison to do</p> <p>15 something that Rooker-Feldman and Palmer and the United</p> <p>16 States Supreme Court says he should not/cannot do, which</p> <p>17 is to override and be the appellate court to undo a</p> <p>18 state court judgment.</p> <p>19 Q. (BY MR. FISHER) All right.</p> <p>20 MR. FISHER: Objection, nonresponsive.</p> <p>21 We're going to take a short break. I want to see if</p> <p>22 I've got anymore questions, and if not, then we'll take</p> <p>23 a lunch break.</p> <p>24 THE VIDEOGRAPHER: We are going off the</p> <p>25 record. The time is 12:25.</p>
<p>1 Q. (BY MR. FISHER) Your partnership?</p> <p>2 A. Yes.</p> <p>3 Q. All right. Now, did you dissolve that entity</p> <p>4 pursuant to this letter reflected as Exhibit 50?</p> <p>5 A. No.</p> <p>6 Q. Okay. Why did you dissolve the partnership,</p> <p>7 then?</p> <p>8 A. Because it seemed under the circumstances that</p> <p>9 it was the most expeditious way to end this frivolous</p> <p>10 lawsuit.</p> <p>11 Q. All right. Can you tell me why you would not</p> <p>12 agree to an injunction precluding you from ever using</p> <p>13 the words or an entity or a name known as Lewis,</p> <p>14 Brisbois, Bisgaard & Smith, LLP?</p> <p>15 A. Because I am not going to -- as an attorney, I</p> <p>16 will not agree to be enjoined for something that under</p> <p>17 all the facts and circumstances related to this entire</p> <p>18 process without a jury hearing everything. I'm an</p> <p>19 officer of the court.</p> <p>20 I have said I will -- we have dissolved any</p> <p>21 entity which would allow that name to be used. And I</p> <p>22 would be a fool to even consider reforming such an</p> <p>23 entity, so that's -- those are my reasons, part of my</p> <p>24 reasons.</p> <p>25 Q. Okay. So you're saying you wouldn't do it, but</p>	<p>71</p> <p>1 (Break taken from 12:25 p.m. to 12:33 p.m.)</p> <p>2 THE VIDEOGRAPHER: We are going on the</p> <p>3 record. The time is 12:33.</p> <p>4 Q. (BY MR. FISHER) I'm going to hand you --</p> <p>5 MR. FISHER: What exhibit number --</p> <p>6 MS. NGUYEN: We're on 68.</p> <p>7 Q. (BY MR. FISHER) -- what I'm marking as</p> <p>8 Exhibit 68.</p> <p>9 (Exhibit 68 marked.)</p> <p>10 A. Yes, sir.</p> <p>11 Q. (BY MR. FISHER) This is the -- this is similar</p> <p>12 to the document -- it might be -- that was attached to</p> <p>13 the e-mail to Ms. Riede that we sent you, which was</p> <p>14 Exhibit 58. And you said you didn't know whether this</p> <p>15 was filed and so this is a file stamped copy. Can you</p> <p>16 identify this document as such?</p> <p>17 A. I see a file stamp at the top, August 17th,</p> <p>18 2022, at 1:09 p.m.</p> <p>19 Q. And on Page 10, can you confirm that you</p> <p>20 submitted this document?</p> <p>21 A. No, I cannot.</p> <p>22 Q. You cannot?</p> <p>23 A. No, sir.</p> <p>24 Q. Why not?</p> <p>25 A. Because I didn't. If you look on Page 11, it</p>

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1 was submitted by Mr. Easton. 2 Q. No. I'm looking at Page 10 and it says 3 "respectfully submitted." First Mr. Bitgood is on there 4 and then you're on there as counsel for Richard P. Jones 5 and Lewis, Brisbois, Bisgaard & Smith, LLP. 6 MR. BITGOOD: What number is this again? 7 MR. DUNWOODY: Objection, form. 8 MR. FISHER: It's Exhibit 68. 9 MR. BITGOOD: I don't have 68 on my exhibit 10 list. 11 MR. FISHER: You'll get it. 12 MR. BITGOOD: Ms. Norman, what is the 13 document, please? 14 THE WITNESS: It is the timeline and 15 chronology that was sent to Ms. Riede. 16 A. I do agree that my signature block is on there. 17 I took this to mean that you're saying that I filed it, 18 but that's fine. 19 Q. (BY MR. FISHER) Do you take responsibility or 20 not? 21 A. Yes, of course. 22 Q. Okay. And you signed it as the attorney for 23 Lewis, Brisbois, Bisgaard, and Smith, LLP, did you not? 24 A. That's right. 25 Q. And at the top of this document, there's	74 1 MR. BITGOOD: Thomas Larson filed on 2 Bennett's behalf, something like that. 3 MR. FISHER: Sir, I'm not taking your 4 deposition today. Please confine your comments -- 5 MR. BITGOOD: Object as to form. 6 A. Mr. Fisher, I do not know how the automated 7 certificate of service works. 8 Q. (BY MR. FISHER) Okay. Do you know why this 9 was filed? 10 A. Because there have been so many filings, I 11 would assume, with so many filings to correlate in one 12 place the entire chronology of filings. 13 Q. Right, but with most pleadings, there's a 14 reason for the pleading to be filed and there's some 15 sort of relief requested. Would you agree with me? 16 A. Not necessarily. 17 Q. Okay. Well, what was the purpose for this 18 pleading, then? 19 A. I would categorize it probably as a notice. 20 That would be a guess on my part. 21 Q. Okay. But your name is submitted, 22 respectfully -- 23 A. Right. 24 Q. -- with this document. 25 A. It's a notice of the chronology of -- it's	76
75 1 letterhead that says "Lewis, Brisbois, Bisgaard & Smith, 2 LLP," correct? 3 A. That is correct. 4 Q. Spelled exactly the same as my law firm, 5 correct? 6 A. Exactly the same as the California entity, yes. 7 Q. And exactly the same as the law firm whose 8 office yourself sitting in at this moment, correct? 9 A. Yes. 10 Q. Okay. Now, if you look at the next page, the 11 certificate of service says that Michael Easton 12 certified that he served all the parties via the Texas 13 e-file system. 14 A. That's correct. 15 Q. Okay. And then the next page says "Automated 16 certificate of e-service," and it says, "Michael Easton 17 on behalf of Susan Norman," and it's got your bar 18 number, correct? 19 A. Right. 20 Q. All right. Can you explain to me what that 21 means to you? 22 A. No, sir. I do not know how the automated 23 certificates of service work. 24 Q. And do you know whether or how Michael Easton 25 can file something on your behalf?	75 1 pretty self-explanatory. 2 Q. Okay. So at the bottom of Page 10 on the right 3 side where you signed it, it says you're signing as 4 counsel for Lewis, Brisbois, Bisgaard & Smith, LLP? 5 A. That's right. 6 Q. Were you signing on behalf of my law firm known 7 as Lewis, Brisbois, Bisgaard & Smith, LLP? 8 A. No, sir. 9 Q. The same law firm whose office you're sitting 10 in at this moment? 11 A. No, sir. Because if you'll notice on the first 12 page, your law firm is identified as Lewis, Brisbois, 13 Bisgaard & Smith, LLP, a California foreign entity. 14 MR. BITGOOD: Hey, Jay -- I'm sorry. I'm 15 calling my caregivers. Jay -- 16 MR. FISHER: If this keeps up, I'm going to 17 just shut it down and if he wants to go whine to Judge 18 Ellison, I don't care. But I'm trying to take a 19 deposition. We're trying to accommodate him. This is 20 not very accommodating. This is disruptive and it's 21 been going on now for hours. 22 MR. DUNWOODY: We all get annoyed at time 23 to time at things that happen in depositions and I think 24 we can probably suffer through it and keep him in the 25 fold.	77

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1 MR. FISHER: Well, I've been suffering 2 through it first several weeks ago and now today. It's 3 taking up my time. 4 MR. DUNWOODY: As lawyers, sometimes we 5 have to deal with insufferable things and still suffer 6 through them. 7 MR. BITGOOD: I was calling for my 8 caregiver. If you have a problem with that, you can go 9 ahead and call the judge. 10 MR. FISHER: I'm not going to call the 11 judge. I'm just going to shut you off for your 12 participation in this deposition. You can read about it 13 later. 14 THE WITNESS: Then you'll shut me off from 15 testifying, so take your pick. 16 MR. DUNWOODY: We don't have to do the 17 threats and all this. This is -- 18 THE WITNESS: Let's just get this done. 19 MR. BITGOOD: Mr. Fisher, I'll be leaving 20 the screen for a few minutes so you can go on and do 21 what you need to do. 22 Q. (BY MR. FISHER) This is another example of a 23 pleading that was filed under the name "Lewis, Brisbois, 24 Bisgaard & Smith, LLP," correct? 25 A. Yes.	78 1 sitting in today? 2 A. Yes. 3 Q. And if she was still an associate in this law 4 firm, would you still be pursuing a cause of action 5 against her? 6 A. It would be speculation on my part to answer 7 that, so the answer is I don't know. 8 Q. Okay. And again, this is a pleading in the 9 county court case, County Court At Law Number 3 in Fort 10 Bend County, Case Number 22-CCV-070378, correct? 11 A. Yes. 12 Q. And the heading on this pleading is a 13 letterhead that reflects Lewis, Brisbois, Bisgaard & 14 Smith, LLP, correct? 15 A. Yes. 16 Q. And in the caption of this lawsuit, there's a 17 plaintiff named Lewis, Brisbois, Bisgaard & Smith, LLP? 18 A. Yes. 19 Q. And there's a defendant that is reflected as 20 Lewis, Brisbois, Bisgaard & Smith, LLP a California 21 foreign entity? 22 A. Yes. 23 Q. Okay. But you didn't say on here California 24 foreign entity authorized to do business in Texas, did 25 you?
79 1 Q. (BY MR. FISHER) And it was a public filing; is 2 that correct? 3 A. That's correct. 4 Q. I'm going to hand you -- oh, what was the date 5 on that filing, by the way? 6 A. August 17th, 2022. 7 Q. And the time? 8 A. 1:09 p.m. 9 Q. Okay. The reason why I asked is because I'm 10 going to hand you another document we're going to mark 11 as Exhibit 69. 12 (Exhibit 69 marked.) 13 Q. (BY MR. FISHER) And this one is the same date 14 but a couple of hours later. And I'm going to ask you 15 to identify that document. 16 A. This is the notice over partial nonsuit as to 17 Chinasa Ogbureke. 18 Q. All right. And when was this filed? 19 A. August 17th, 2022, 5:36 p.m. 20 Q. Okay. And can you tell the Court why this was 21 filed? 22 A. To the best of my recollection, it was filed 23 because we realized that -- or found out that she was no 24 longer with the California foreign entity. 25 Q. Also known as my law firm whose office you're	81 1 A. No. 2 Q. But that was, in fact, correct if you put that 3 on there? 4 MR. DUNWOODY: Object to form. 5 A. I'm sorry. Say that again. 6 Q. (BY MR. FISHER) On August 17th, 2022, even you 7 would admit that Lewis, Brisbois, Bisgaard & Smith, LLP, 8 a California foreign limited liability partnership whose 9 office you're sitting in today, was authorized to do 10 business in the state of Texas? 11 A. Yes, it was. 12 Q. Okay. And on your signature block on Page 2, 13 your -- under your signature, it's reflected as counsel 14 for Richard P. Jones and Lewis, Brisbois, Bisgaard & 15 Smith, LLP, correct? 16 A. That is -- yes. And it's consistent with the 17 plaintiff as opposed to the defendant. 18 Q. And I'm glad that you made that distinction 19 because without which I would not know that there was a 20 distinction, so thank you. 21 MR. DUNWOODY: Object to the sidebar. 22 Q. (BY MR. FISHER) I'm going to mark the next 23 document as Exhibit 70 and hand this to you and ask if 24 you've seen that before? 25 (Exhibit 70 marked.)

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1	A. Yes, I have.	82	A. Yes.	84
2	Q. Okay. And this pleading was filed on what		2	Q. Can you turn to that?
3	date?		3	A. Yes.
4	A. August the 16th, 2022.		4	Q. And that is a settlement offer for Karina
5	Q. And it again is filed under the banner of the		5	Martinez; is it not?
6	name "Lewis, Brisbois, Bisgaard & Smith, LLP," correct?		6	A. Well, Exhibit A is actually a request for
7	A. That's correct.		7	mandatory judicial notice.
8	Q. And this was filed by your partner at the time,		8	Q. Well, there's two Exhibit As.
9	Michael Bitgood, correct?		9	A. No, there's --
10	A. Yes.		10	Q. So I'm going to ask you to look at the second
11	Q. Okay. And did you -- when is the first time		11	Exhibit A.
12	you saw this pleading?		12	A. Well, there's Exhibit A to Exhibit A.
13	A. Well, I think possibly when I was served with		13	Q. Okay. That's confusing. So if you can -- if
14	it at -- well, I wasn't awake at 12:42 a.m., but it was		14	you can page down one, two, three, four, five pages,
15	served electronically by automated certificate of		15	then do you see settlement offer for Karina Martinez?
16	service at 12:42 a.m., although file stamped at		16	A. Yes.
17	8:12 a.m.		17	Q. Okay. And that was filed as part of this
18	(Exhibit 71 marked.)		18	public record, correct?
19	Q. (BY MR. FISHER) All right. I'm going to hand		19	A. Yes, it was.
20	you what I'm marking as Exhibit 71 and ask you if you've		20	Q. And if you take a look at the top, this is
21	seen that document before?		21	filed under the banner "Lewis, Brisbois, Bisgaard &
22	A. Yes, I have.		22	Smith, LLP" and it is -- it looks like it's then written
23	Q. Okay. And you filed this on behalf of Richard		23	to David Oubre. Do you see that?
24	P. Jones and Lewis, Brisbois, Bisgaard & Smith, which		24	A. I do.
25	here you say is a Texas domestic LLP in your signature		25	Q. All right.
1	block on Page 2?	83	(Zoom interruption.)	85
2	A. Yes.		2	Q. (BY MR. FISHER) If you take a look at the next
3	Q. So you don't always differentiate between my		3	two pages, which this is Page 5 of 7 and 6 of 7 and Page
4	law firm whose office you're sitting in today, which is		4	7 of 7.
5	a California limited liability partnership authorized to		5	A. Yep.
6	do business in Texas, from the partnership between you		6	Q. Do you see that it's approved by Susan C.
7	and Mr. Bitgood, which claims to be solely a Texas		7	Norman for Richard P. Jones and Lewis, Brisbois,
8	domestic LLP, but I think we've shown is really a		8	Bisgaard & Smith, LLP, correct?
9	general partnership, correct?		9	A. Yes.
10	MR. DUNWOODY: Object to form.		10	Q. Then you CC Brad Beers. Do you see that?
11	Q. (BY MR. FISHER) No distinction?		11	A. Yes.
12	A. Objection, form. If the answer is do I always		12	Q. Okay. Why was Brad Beers copied?
13	put a domestic -- did I always -- was a Texas domestic		13	A. I don't remember.
14	LLP always placed after --		14	Q. Did he represent any of the parties in the
15	Q. After the name.		15	County Court At Law Number 3 lawsuit in Fort Bend
16	A. -- in my signature block, the answer is, no,		16	County?
17	not always.		17	A. Yes, I believe he did.
18	Q. Okay. Now, attached as Exhibit A to this		18	MR. FISHER: How do we shut this off?
19	document, this is filed in Fort Bend County, Court At		19	THE VIDEOGRAPHER: He can mute himself.
20	Law Number 3?		20	MR. FISHER: Well, of course he can. He's
21	A. Yes.		21	not an idiot. He's doing this on purpose.
22	Q. Okay. Public record?		22	THE WITNESS: No, he's not.
23	A. Yep.		23	MR. FISHER: Really? We've been putting up
24	Q. All right. And attached to this pleading is		24	this. Now this is the second day of deposition.
25	Exhibit A?		25	THE WITNESS: I can tell you he's not doing

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<p>86</p> <p>1 anything on purpose.</p> <p>2 MR. FISHER: So is he an idiot or does he</p> <p>3 not know what he's doing?</p> <p>4 MR. DUNWOODY: Really?</p> <p>5 THE WITNESS: I don't think he realizes --</p> <p>6 MR. DUNWOODY: You know better than to do</p> <p>7 the name calling. You're better than that.</p> <p>8 THE VIDEOGRAPHER: I can mute him on my</p> <p>9 end.</p> <p>10 MR. DUNWOODY: There you go.</p> <p>11 MR. FISHER: Great. Okay. What was my</p> <p>12 last question?</p> <p>13 MR. DUNWOODY: Is he an idiot, something</p> <p>14 that effect.</p> <p>15 MR. FISHER: Before that.</p> <p>16 (Requested portion was read.)</p> <p>17 Q. (BY MR. FISHER) Okay. Who did Mr. Beers</p> <p>18 represent?</p> <p>19 A. I believe he represented Michael Easton in</p> <p>20 this, Michael Bitgood.</p> <p>21 Q. Oh, okay. Because I see Michael Bitgood filing</p> <p>22 pleadings on his own behalf on August 16th and 17th and</p> <p>23 times before and after that.</p> <p>24 A. You'll have to talk with Mr. Beers about the</p> <p>25 scope of his representation. It's not for me to say.</p>	<p>88</p> <p>1 looking after me. I cannot move from this chair.</p> <p>2 Maybe you don't understand the gravity of</p> <p>3 the surgery I underwent, but I'm still not walking, so</p> <p>4 to move from place to place, I have to be wheeled.</p> <p>5 Occasionally, you'll hear me call for my caregiver.</p> <p>6 That's all that's going on.</p> <p>7 MR. FISHER: Okay. Well, you can mute</p> <p>8 yourself on that end.</p> <p>9 MR. BITGOOD: I didn't know that. Sir, let</p> <p>10 me explain something to you. This is an iPad I'm using.</p> <p>11 I'm not as technologically advanced as some. So if</p> <p>12 there's a way to mute it, show me the screen how to --</p> <p>13 there, I see it now. Mute. I see the microphone now.</p> <p>14 If that happens again, sir, I promise you I will mute my</p> <p>15 end of the conversation.</p> <p>16 MR. FISHER: Thank you.</p> <p>17 MR. BITGOOD: I apologize for disrupting</p> <p>18 the deposition.</p> <p>19 Q. (BY MR. FISHER) I've handed you what's been</p> <p>20 marked as Exhibit 72. And can you describe this</p> <p>21 document for the Court?</p> <p>22 A. It's the plaintiff's third amended petition for</p> <p>23 declaratory relief and application for temporary</p> <p>24 injunction pending trial filed in the 22-CCV-070378 case</p> <p>25 on June 15th, 2022.</p>
<p>87</p> <p>1 Q. Okay. I'm just asking what you know. Do you</p> <p>2 know?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 MR. FISHER: Are we up to 72?</p> <p>6 MS. NGUYEN: Yes.</p> <p>7 (Exhibit 72 marked.)</p> <p>8 Q. (BY MR. FISHER) Ms. Norman, I'm going to hand</p> <p>9 you what I've marked as Exhibit 72.</p> <p>10 THE WITNESS: Would you please unmute</p> <p>11 Mr. Bitgood so that he --</p> <p>12 MR. FISHER: He can hear.</p> <p>13 THE WITNESS: No, he's going to have to be</p> <p>14 able to make an objection if he's going to do that.</p> <p>15 THE VIDEOGRAPHER: I can ask him to unmute,</p> <p>16 but he has to do it on his side.</p> <p>17 MR. BITGOOD: Mr. Fisher, can I take a</p> <p>18 moment of your time, please? Mr. Fisher?</p> <p>19 MR. FISHER: Yes. You've taken up quite a</p> <p>20 few moments, so what's one more, I guess.</p> <p>21 MR. BITGOOD: Mr. Fisher, please. I am,</p> <p>22 number one, disabled. I'm in a wheelchair. When I have</p> <p>23 to call for my caregiver, it's for good reason. I'm not</p> <p>24 trying to disrupt your deposition. My objections have</p> <p>25 been minimal. I have caregivers around the clock</p>	<p>89</p> <p>1 Q. And this is in County Court Number 3 of Fort</p> <p>2 Bend County?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Did you prepare this pleading?</p> <p>5 A. My signature block --</p> <p>6 MR. BITGOOD: Objection, form.</p> <p>7 A. My signature block is on it.</p> <p>8 Q. (BY MR. FISHER) Yes, your signature block is</p> <p>9 there, so I asked if you prepared this pleading or</p> <p>10 whether somebody prepared it for you.</p> <p>11 A. I don't recall. This looks like my format.</p> <p>12 Q. Okay. So that would be a yes?</p> <p>13 A. Yes.</p> <p>14 Q. And here you signed as counsel for Richard P.</p> <p>15 Jones and Lewis, Brisbois, Bisgaard & Smith, LLP a Texas</p> <p>16 domestic partnership?</p> <p>17 A. Yes.</p> <p>18 Q. And attached as Exhibit A is an assumed name</p> <p>19 certificate?</p> <p>20 MR. BITGOOD: What number is this again,</p> <p>21 Mr. Fisher?</p> <p>22 THE WITNESS: 72.</p> <p>23 MR. FISHER: Exhibit 72.</p> <p>24 MR. BITGOOD: And mine end at 57.</p> <p>25 MR. FISHER: We'll send them to you.</p>

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<p>1 MR. BITGOOD: Can you send it now so I can 2 see it, please?</p> <p>3 MR. FISHER: We'll send it in a little 4 while.</p> <p>5 MR. BITGOOD: Thank you.</p> <p>6 Q. (BY MR. FISHER) Ms. Norman?</p> <p>7 A. Yes, sir.</p> <p>8 Q. That's an assumed name certificate that's 9 attached, correct?</p> <p>10 A. That is.</p> <p>11 Q. Okay. And this appears to have been filed by 12 Mr. Bitgood?</p> <p>13 A. Yes.</p> <p>14 MR. BITGOOD: Again, I'm going to object. 15 I cannot make objections to an exhibit that you will not 16 furnish us. I would ask the witness to wait until that 17 exhibit has been furnished to everybody.</p> <p>18 MR. FISHER: I'm going to tell you what 19 we're going to do, then. We're going to take a lunch 20 break and I'm going to send by e-mail or have somebody 21 send by e-mail the Exhibits 67 through 72. And then 22 let's mark all these and send these as well.</p> <p>23 MR. BITGOOD: Thank you.</p> <p>24 MR. DUNWOODY: Yeah, unless there's 25 something super secretive there, my guess is it's not.</p>	<p>90</p> <p>1 Q. (BY MR. FISHER) What's the nature of your -- 2 reason for your objection?</p> <p>3 A. Well, first of all, it's attorney/client 4 privilege and work product privilege. I will confirm 5 that the document is filed on June 21st, 2022, at 6 12:00 a.m. -- it says 12:00 a.m. up at the top. I 7 confirm that my signature block is on Page 8, but other 8 than that, I've got the attorney/client privilege with 9 Mr. Jones and work product privilege. So the document 10 speaks for itself.</p> <p>11 Q. Well, the document itself can't be privileged. 12 It was filed of public record in Fort Bend County, was 13 it not?</p> <p>14 A. Absolutely. I agree with that.</p> <p>15 Q. Okay.</p> <p>16 MR. BITGOOD: Then read it.</p> <p>17 Q. (BY MR. FISHER) It was filed in County Court 18 At Law Number 3, Fort Bend County?</p> <p>19 A. It was.</p> <p>20 Q. Okay. And on your signature block, you confirm 21 that you are counsel for Richard P. Jones and Lewis, 22 Brisbois, Bisgaard & Smith, LLP, which you then describe 23 as a Texas domestic partnership, correct?</p> <p>24 A. That's correct.</p> <p>25 (Exhibit 74 marked.)</p>
<p>91</p> <p>1 Just send us a copy of whatever you think you might use 2 and we can find it and then we'll get it.</p> <p>3 MR. FISHER: Well give you give you hard 4 copies now, so all we're going to do is send it to one 5 person, but I'll send everything to you later digitally 6 if we want.</p> <p>7 THE COURT REPORTER: Do we want to go off 8 the record?</p> <p>9 MR. FISHER: Yes. I'm sorry.</p> <p>10 THE VIDEOGRAPHER: Going off the record. 11 The time is 1 o'clock.</p> <p>12 (Break taken from 1:00 p.m. to 2:01 p.m.)</p> <p>13 (Exhibit 73 marked.)</p> <p>14 THE VIDEOGRAPHER: Going on the record. 15 The time is 2:01.</p> <p>16 Q. (BY MR. FISHER) Good afternoon, Ms. Norman.</p> <p>17 A. Hello.</p> <p>18 Q. I'm going to hand you what's been marked as 19 Exhibit 73. And can you confirm for me that that is 20 plaintiff's reply to defendant's response to motion to 21 show authority, and that is -- was filed on June 21st, 22 2022, at 12:00 a.m.?</p> <p>23 MR. BITGOOD: Object as to form. The 24 document speaks for itself.</p> <p>25 A. I also object as to form and --</p>	<p>93</p> <p>1 Q. (BY MR. FISHER) All right. Now I'm going to 2 hand you what we've marked as Exhibit 74 and ask you if 3 you've seen that document before?</p> <p>4 A. My signature block appears on Page 3.</p> <p>5 Q. Wait. Answer my question first.</p> <p>6 A. Well, I'm telling you --</p> <p>7 Q. Have you seen this before?</p> <p>8 A. Yes, I've seen it before.</p> <p>9 Q. Okay.</p> <p>10 A. And the reason I know I've seen it before is 11 because my signature block appears.</p> <p>12 Q. Okay.</p> <p>13 A. It was filed June 23rd, 2022, 10:52 a.m.</p> <p>14 Q. And once again, you're purporting to represent 15 Richard P. Jones and Lewis, Brisbois, Bisgaard & Smith, 16 LLP, a Texas domestic partnership?</p> <p>17 A. I represent Richard P. Jones. Lewis, Brisbois, 18 Bisgaard & Smith, a Texas domestic partnership has been 19 shut down, so to speak, with the Secretary of State and 20 is no longer in existence.</p> <p>21 Q. All right.</p> <p>22 MR. FISHER: Objection, nonresponsive after 23 you said who you represent and excluding your commentary 24 that the partnership has been shut down.</p> <p>25 (Exhibit 75 marked.)</p>

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<p>1 Q. (BY MR. FISHER) I'm going to hand you what's 2 been marked as Exhibit 75 and ask you to identify this 3 document for the record.</p> <p>4 A. It is entitled "Motion to Strike the JP Court 5 and Jury Demand and Request For Judicial Notice Under 6 Texas Rule of Evidence 201" filed June 24th, 2022, in 7 County Court At Law Number 3 of Fort Bend County, Texas.</p> <p>8 It contains my signature block on page 7, 9 counsel for Richard P. Jones and Lewis, Brisbois, 10 Bisgaard & Smith, LLP, a Texas domestic partnership.</p> <p>11 Q. All right. Did you draft this document, this 12 pleading?</p> <p>13 MR. BITGOOD: Objection, work product, 14 joint defense privilege. That is a privilege Mr. --</p> <p>15 Q. (BY MR. FISHER) You can answer.</p> <p>16 A. No.</p> <p>17 MR. BITGOOD: No, she doesn't have to 18 answer.</p> <p>19 A. No, I'm not going to answer because --</p> <p>20 Q. (BY MR. FISHER) You're not going to answer 21 whether you drafted this document?</p> <p>22 A. I've got a work product privilege with 23 Mr. Jones.</p> <p>24 Q. I didn't ask you -- well, Mr. Jones is not -- 25 is Mr. Jones still a defendant in this case?</p>	<p>94 1 question. You don't need to look. We can just move on.</p> <p>2 A. It appears to be the same document filed at 3 6:39 a.m. on June 24th. Same document, same -- assert 4 the same privileges.</p> <p>5 (Exhibit 77 marked.)</p> <p>6 Q. (BY MR. FISHER) All right. I'm going to hand 7 you what we've marked as Exhibit 77 and ask you to 8 identify this document for the record.</p> <p>9 A. Plaintiff's fourth amended petition for 10 declaratory relief and application for temporary 11 injunction pending trial filed on June 24th, 2022, at 12 8:39 a.m.</p> <p>13 Plaintiff Richard Jones -- P. Jones, 14 Michael Joseph Bitgood, Lewis, Brisbois, Bisgaard & 15 Smith, LLP, filed in the County Court At Law Number 3 of 16 Fort Bend County, Texas versus Karina Martinez, Marianna 17 Sullivan, Imperial Lofts, LLC, David Oubre, Chinasa 18 Ogbureke, Lewis, Brisbois, Bisgaard & Smith, a 19 California foreign entity by me with my signature block, 20 counsel for Richard P. Jones, Lewis, Brisbois, Bisgaard 21 & Smith, a Texas domestic partnership.</p> <p>22 Q. Do you know if this was the pleading that added 23 Lewis, Brisbois, Bisgaard & Smith, LLP, the California 24 limited liability partnership whose office you're 25 sitting in today as a party?</p>
<p>1 A. Yes, he is. And the document speaks for 2 itself.</p> <p>3 Q. All right. But you're not going to answer the 4 simple question whether you drafted this pleading?</p> <p>5 A. No, sir, I'm not.</p> <p>6 Q. All right. And you did --</p> <p>7 A. Under the work product privilege and the 8 attorney/client privilege.</p> <p>9 Q. I don't agree that that privilege applies to my 10 question, but you did submit this document to the court 11 and filing of public record, correct?</p> <p>12 A. Yes.</p> <p>13 (Exhibit 76 marked.)</p> <p>14 Q. (BY MR. FISHER) Okay. I'm going to hand you 15 what we've marked as Exhibit 76 and ask you if you have 16 seen this document before?</p> <p>17 MR. BITGOOD: Same document.</p> <p>18 Q. (BY MR. FISHER) It appears to be the same 19 document as 75?</p> <p>20 A. Well, I'm going --</p> <p>21 Q. So I'll withdraw that question.</p> <p>22 A. I'm going to look at each page, if you don't 23 mind.</p> <p>24 Q. I don't mind.</p> <p>25 MR. DUNWOODY: He's withdrawing the</p>	<p>95 1 A. Well, the document speaks for itself and I'm -- 2 farther than the document speaking for itself, I'm going 3 to object under attorney/client privilege, a work 4 product privilege.</p> <p>5 Q. How do those privileges apply to asking a 6 simple question about whether this is the first time 7 that -- or the first pleading that you sued Lewis, 8 Brisbois, Bisgaard & Smith, my law firm?</p> <p>9 MR. BITGOOD: Objection. Ms. Norman, if 10 you're asserting a privilege, either stand on the 11 privilege or answer his question.</p> <p>12 THE WITNESS: I was getting ready to make 13 my response to that.</p> <p>14 A. The document speaks for itself. I would have 15 to look back at number -- third amended petition.</p> <p>16 Q. (BY MR. FISHER) All right. So in the 17 signature block on Page 14, you state that you are 18 representing Richard P. Jones and Lewis, Brisbois, 19 Bisgaard & Smith, LLP, a Texas domestic partnership?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Of the same name as the law firm whose office 22 you're sitting in now and so --</p> <p>23 A. No, sir. That's incorrect.</p> <p>24 Q. Okay. You're suing Lewis Brisbois in this 25 document, in this pleading?</p>

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<p>1 A. And if you'll notice on page --</p> <p>2 Q. And you're representing a client or you're</p> <p>3 representing Lewis, Brisbois, Bisgaard & Smith, LLP and</p> <p>4 you are suing Lewis, Brisbois, Bisgaard & Smith, LLP,</p> <p>5 and the only distinction seems to be it's a</p> <p>6 California --</p> <p>7 A. A California entity.</p> <p>8 Q. Right. But it's the same name, right?</p> <p>9 A. Well, not -- the first -- first four names with</p> <p>10 the entity designation are the same, but there's a</p> <p>11 qualification of a California foreign entity and then a</p> <p>12 Texas domestic partnership, so not exactly the same</p> <p>13 name.</p> <p>14 Q. Okay. So you think that's enough of a</p> <p>15 distinction for the public?</p> <p>16 MR. BITGOOD: Objection as to form what the</p> <p>17 public thinks.</p> <p>18 A. That would be speculation on my part as to --</p> <p>19 we're going to object under speculation. I don't know</p> <p>20 what the public thinks.</p> <p>21 Q. (BY MR. FISHER) So you have no opinion as to</p> <p>22 whether that would be confusing or not?</p> <p>23 A. Oh, I think there's absolutely no -- no chance</p> <p>24 of confusion.</p> <p>25 Q. Well, how can you think that if you can't</p>	<p>98 1 known then that there are lawyers who are employees and</p> <p>2 who are members of Lewis, Brisbois, Bisgaard & Smith,</p> <p>3 this law office for which you're sitting in today or at</p> <p>4 which you're sitting in today that do conduct mediations</p> <p>5 and arbitrations, right?</p> <p>6 A. I don't know that for a fact.</p> <p>7 Q. You still don't know that?</p> <p>8 A. I still don't know that, no.</p> <p>9 Q. Okay. So after almost a year of litigation,</p> <p>10 you don't know that there are attorneys here who mediate</p> <p>11 or arbitrate cases?</p> <p>12 MR. DUNWOODY: Objection to form.</p> <p>13 A. Objection, form. You're arguing -- let me tell</p> <p>14 you, at the time that your website was checked on the</p> <p>15 scope of what lawyers did, I found nothing talking about</p> <p>16 mediation and arbitration. Whether or not individual</p> <p>17 lawyers may conduct mediations or may do mediations or</p> <p>18 arbitrations, I don't know.</p> <p>19 Q. (BY MR. FISHER) Did you hear Bill Helfand tell</p> <p>20 the judge that he has mediated and arbitrated cases?</p> <p>21 MR. BITGOOD: Objection as to what Bill</p> <p>22 Helfand said.</p> <p>23 A. I don't recall hearing that.</p> <p>24 Q. (BY MR. FISHER) Okay.</p> <p>25 A. Whether -- he may have said it. I'm not</p>
<p>99 1 speculate for the public?</p> <p>2 A. That would be my belief. As far as the public</p> <p>3 goes, one's a California foreign LLP and one is a</p> <p>4 domestic LLP.</p> <p>5 Q. Okay. Both providing legal services, correct?</p> <p>6 MR. DUNWOODY: Objection to form.</p> <p>7 MR. BITGOOD: We do not -- objection as to</p> <p>8 form.</p> <p>9 A. Actually, no.</p> <p>10 Q. (BY MR. FISHER) No? What was your partnership</p> <p>11 with Mr. Easton about, then, if it wasn't legal</p> <p>12 services? Was it selling hamburgers?</p> <p>13 A. Well, as you know --</p> <p>14 MR. DUNWOODY: Objection to form.</p> <p>15 MR. BITGOOD: Objection to the form,</p> <p>16 sarcasm.</p> <p>17 A. Mediation and arbitration are not necessarily</p> <p>18 legal services because you do not have to be a lawyer to</p> <p>19 mediate or arbitrate.</p> <p>20 Q. (BY MR. FISHER) I didn't say you had to be.</p> <p>21 A. Okay.</p> <p>22 Q. There's plenty of examples where mediators and</p> <p>23 arbitrators are not lawyers, right?</p> <p>24 A. That's correct.</p> <p>25 Q. Well, at least you know now and could have</p>	<p>99 101 1 disputing it, but --</p> <p>2 Q. Do you recall that Kent Altsuler did testify in</p> <p>3 the preliminary injunction hearing that he does nothing</p> <p>4 but mediations as his practice?</p> <p>5 A. I don't recall that, but that may be true. I'm</p> <p>6 not doubting that he may have said that.</p> <p>7 (Exhibit 78 marked.)</p> <p>8 Q. (BY MR. FISHER) I'm going to hand you what</p> <p>9 we've marked as Exhibit 78 and ask you to identify -- is</p> <p>10 this not this -- no, this is different. Yeah, can you</p> <p>11 identify this document?</p> <p>12 A. It is entitled "Plaintiff's Reply to</p> <p>13 Defendant's Amended," in quotes, "Response to the Motion</p> <p>14 to Show Authority and Motion to Strike the 'affidavits'</p> <p>15 of Larson, Sullivan and Martinez filed on July 11, 2022,</p> <p>16 at 9:16 a.m. in Cause Number 22-CCV-070378, County Court</p> <p>17 At Law Number 3 of Fort Bend County, Texas.</p> <p>18 Q. Okay. And once again in the caption of this</p> <p>19 lawsuit, there's a Lewis, Brisbois, Bisgaard & Smith</p> <p>20 suing a Lewis, Brisbois, Bisgaard & Smith, correct?</p> <p>21 A. A California foreign LLP.</p> <p>22 Q. Okay.</p> <p>23 A. There is a distinction.</p> <p>24 Q. And on Page 7, your signature block indicates</p> <p>25 you respectfully submitted this pleading on behalf of</p>

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<p>102</p> <p>1 Richard P. Jones and Lewis, Brisbois, Bisgaard & Smith, 2 a Texas domestic partnership?</p> <p>3 A. That's correct.</p> <p>4 (Exhibit 79 marked.)</p> <p>5 Q. (BY MR. FISHER) Okay. I'm going to hand you 6 what's been marked as Exhibit 79 and ask you to identify 7 this document.</p> <p>8 A. It's entitled "Motion to Strike the 9 'affidavits' of Larson, Sullivan and Martinez," filed 10 July 12th, 2022, at 5:49 p.m. in Cause Number 11 22-CCV-070378, County Court At Law Number 3 of Fort Bend 12 County, Texas.</p> <p>13 Q. All right. And once again, you are 14 representing Richard P. Jones and Lewis, Brisbois, 15 Bisgaard & Smith, LLP, a Texas domestic partnership, 16 correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Did you draft this pleading?</p> <p>19 MR. BITGOOD: Objection, defense privilege.</p> <p>20 Q. (BY MR. FISHER) You can answer that question.</p> <p>21 A. I'm asserting attorney/client or work product 22 privilege. My signature block appears, so it was filed 23 by me.</p> <p>24 Q. And you're responsible for the contents, 25 correct?</p>	<p>104</p> <p>1 With Incorporated Motion to Strike the 'affidavits' of 2 Larson, Sullivan, and Martinez filed in County Court At 3 Law Number 3 of Fort Bend County, Texas by plaintiffs 4 including Lewis, Brisbois, Bisgaard & Smith versus 5 defendants -- individual defendants distinguishing 6 Lewis, Brisbois, Bisgaard & Smith, a California foreign 7 LLP.</p> <p>8 And it's filed with my signature block for 9 Richard P. Jones and Lewis, Brisbois, Bisgaard & Smith, 10 a California -- the Texas domestic partnership with 11 various exhibits attached.</p> <p>12 Q. All right. And you filed this pleading?</p> <p>13 A. My signature block appears and I'm responsible 14 for this pleading.</p> <p>15 Q. Okay. Well, as much as --</p> <p>16 A. And there are other attachments to this.</p> <p>17 Q. Sure. But as much as -- or in as much as you 18 signed this certificate of service, is it fair to say 19 that you're the one who filed this?</p> <p>20 A. I'm prepared to say that it's filed with my 21 authority.</p> <p>22 Q. Okay. And you see the declaration of custodian 23 on there?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Can you tell me what that means to you,</p>
<p>103</p> <p>1 A. That's correct.</p> <p>2 (Exhibit 80 marked.)</p> <p>3 Q. (BY MR. FISHER) I'm going to hand you what 4 we've marked as Exhibit 80 and I'll ask you to identify 5 that document.</p> <p>6 A. It's entitled "Plaintiff's Reply to Defendant's 7 'Amended' Plus 'Amended' Response to the Motion to Show 8 Authority" filed July 12th, 2022, at 5:52 p.m. It's 9 filed by Richard P. Jones, Michael Joseph Bitgood a/k/a 10 Michael Easton, and Lewis, Brisbois, Bisgaard & Smith, 11 LLP against multiple individual defendants and Lewis, 12 Brisbois, Bisgaard & Smith, a California foreign LLP.</p> <p>13 Q. Okay.</p> <p>14 A. Filed on behalf of Richard P. Jones -- by me on 15 behalf of Richard P. Jones and the Texas domestic 16 partnership of Lewis, Brisbois, Bisgaard & Smith.</p> <p>17 Q. And once again, it's filed in County Court At 18 Law Number 3 of Fort Bend County, correct?</p> <p>19 A. Yes.</p> <p>20 (Exhibit 81 marked.)</p> <p>21 Q. (BY MR. FISHER) I'm going to hand you what 22 we've marked as Exhibit 81 and ask you to identify this 23 document for the Court.</p> <p>24 A. It is Plaintiff's Reply to the Amended Amended 25 Response to the Defendant's Motion to Show Authority</p>	<p>105</p> <p>1 why that's in there?</p> <p>2 MR. BITGOOD: Objection, form.</p> <p>3 A. The -- as to why anything is in this, I'm going 4 to assert attorney/client and work product privilege and 5 the document speaks for itself.</p> <p>6 Q. (BY MR. FISHER) Okay. This is a public 7 record. You realize that?</p> <p>8 A. Yes, it is.</p> <p>9 MR. FISHER: Is that calling a caregiver?</p> <p>10 MR. BITGOOD: No, I'm going to mute.</p> <p>11 MR. FISHER: Thank you.</p> <p>12 Q. (BY MR. FISHER) All right. So it says on here 13 Michael Easton says or Michael Bitgood a/k/a Michael 14 Easton says he's competent and he's the president of 15 Lewis m Bisgaard & Smith, LLP. Do you see that in the 16 declaration?</p> <p>17 A. I see that.</p> <p>18 Q. Okay. There's no distinction there between 19 whether it's Lewis, Brisbois, Bisgaard & Smith, LLP, a 20 Texas entity or a California entity, correct? No 21 distinction is my question.</p> <p>22 A. That's correct.</p> <p>23 Q. All right. And it's attached certain documents 24 to this pleading, right?</p> <p>25 A. Yes.</p>

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<p>1 Q. All right. And the first one is an application 2 for registration of a foreign limited liability 3 partnership. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And that's an application for registration of 6 my law firm, fair enough?</p> <p>7 A. Fair enough.</p> <p>8 Q. All right. And that was back in 2015?</p> <p>9 A. Yep, it was.</p> <p>10 Q. Any idea why that's included in this pleading 11 here?</p> <p>12 MR. BITGOOD: Objection, work product 13 privilege. It's ongoing litigation. We don't have to 14 tell you what we're thinking.</p> <p>15 MR. FISHER: Actually, it's a deposition 16 and that's kind of the reason for a deposition.</p> <p>17 MR. BITGOOD: I understand, Mr. Fisher, but 18 I'm making my objection. I'm a party to that lawsuit. 19 It's still ongoing and that's my objection. She doesn't 20 have to tell you what we're thinking.</p> <p>21 A. And I'm also making my objection under 22 attorney/client privilege and work product privilege.</p> <p>23 Q. (BY MR. FISHER) So you're not going to answer 24 this question?</p> <p>25 A. No, sir.</p>	<p>1 Q. (BY MR. FISHER) Next is Form 307, application 2 for registration of a foreign limited liability 3 partnership dated March 9th, 2021. Do you see that?</p> <p>4 A. I see that.</p> <p>5 Q. Okay. And that's the application for my law 6 firm to do business in the state of Texas, correct?</p> <p>7 A. An original application, yes, sir.</p> <p>8 Q. Okay. And once again, do you know why this was 9 included in the pleading?</p> <p>10 A. And I renew the same --</p> <p>11 MR. BITGOOD: I object under the work 12 product privilege doctrine.</p> <p>13 A. Same objection as I made before, work product 14 privilege.</p> <p>15 Q. (BY MR. FISHER) Okay. The next document is 16 January 21st, 2022. And again, it's notification 17 registration will expire. Do you see that?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. Now let's go to the next exhibit, which 20 is Number 7. It's an assumed name --</p> <p>21 A. Well, actually, the next exhibit is -- let's 22 see.</p> <p>23 Q. Yeah, I guess you're right. These are just 24 kind of listings at the Secretary of State's office?</p> <p>25 A. Yes, sir.</p>
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<p>1 Q. Let's go to the next document, which is from 2 the Secretary of State, and it's dated September 28th, 3 2020. Do you see that?</p> <p>4 A. No. The next one I see is dated October 23rd, 5 2015.</p> <p>6 Q. That's one we were just talking about and 7 that's Exhibit 1.</p> <p>8 A. LEBS, foreign application, 10/23/2015. That's 9 Document 1 filed October 23rd, 2015.</p> <p>10 Q. Right. We already talked about that. That's 11 why I asked you why this is here and you wouldn't answer 12 that. So now let's go to the next one. It's 13 September 28th, 2020, from the Secretary of State.</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. And this is some sort of a notification 16 that the term of -- the term of authorization 17 registration will expire, correct?</p> <p>18 A. The document speaks for itself, but I will 19 confirm that that's what it appears to be.</p> <p>20 Q. Okay. And again, why is this included in this 21 pleading?</p> <p>22 A. Attorney/client privilege.</p> <p>23 MR. BITGOOD: Objection, work --</p> <p>24 A. Work product privilege.</p> <p>25 MR. BITGOOD: Join in the same objection.</p>	<p>1 Q. Okay.</p> <p>2 A. And it shows, Exhibit 6, both of your filings 3 have expired.</p> <p>4 Q. Both filings. What's --</p> <p>5 A. Well, there are two different filing numbers. 6 One, as I recall, from the Dallas office and one from 7 the Houston office.</p> <p>8 Q. Two different offices. Okay.</p> <p>9 A. So the next exhibit -- the next is 7.</p> <p>10 Q. The next is 7. And this is an assumed name 11 certificate that was filed by Michael Joseph Bitgood. 12 Do you see that?</p> <p>13 A. I see that.</p> <p>14 Q. Okay. And that's under which business, and it 15 just says Lewis, Brisbois, Bisgaard & Smith. Do you see 16 that?</p> <p>17 A. Yes, I see that.</p> <p>18 Q. No distinction there between what -- whether 19 it's a foreign partnership or a -- or a domestic 20 partnership, correct?</p> <p>21 MR. DUNWOODY: Object to form.</p> <p>22 A. The document speaks for itself. There is no 23 designation for any entity such as an LLP.</p> <p>24 Q. (BY MR. FISHER) Okay. The second page, it 25 says "Returned at counter to Susan Norman." Do you see</p>

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<p>110</p> <p>1 that?</p> <p>2 A. I do.</p> <p>3 Q. Okay. Did you file this or did Mr. Bitgood</p> <p>4 file this or did somebody else file this?</p> <p>5 A. I physically -- it shows that it was returned</p> <p>6 to me at the counter, so that means that I was at the</p> <p>7 counter.</p> <p>8 Q. So you filed it?</p> <p>9 A. Yes, sir.</p> <p>10 MR. DUNWOODY: Object to form.</p> <p>11 Q. (BY MR. FISHER) Then the next document, the</p> <p>12 form is Form 701, which is registration of a limited</p> <p>13 liability partnership, correct?</p> <p>14 A. Yes, and I believe that's already here as one</p> <p>15 of the exhibits.</p> <p>16 Q. I think it is, but once again, number two, it</p> <p>17 says the partnership is a general partnership, correct?</p> <p>18 A. That's what it says.</p> <p>19 Q. All right. By the way, did -- did your</p> <p>20 partnership known as Lewis, Brisbois, Bisgaard & Smith</p> <p>21 file a tax return for the year 2022?</p> <p>22 A. No.</p> <p>23 Q. Did you file an extension to file a tax return?</p> <p>24 A. There was no business conducted, so no.</p> <p>25 Q. Okay. Well, I didn't ask you why. I'm just</p>	<p>112</p> <p>1 Q. And it reflects the year purporting to</p> <p>2 represent Richard P. Jones and Lewis, Brisbois, Bisgaard</p> <p>3 & Smith, LLP, also designated as a Texas domestic</p> <p>4 partnership, correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. All right. Were any of these times when you</p> <p>7 either filed a pleading with the letterhead Lewis,</p> <p>8 Brisbois, Bisgaard & Smith or when you signed a document</p> <p>9 purporting to represent Lewis, Brisbois, Bisgaard &</p> <p>10 Smith, LLP at all times, I think, representing the</p> <p>11 partnership between you and Mr. Bitgood, were any of</p> <p>12 those accidental or did you do those purposefully?</p> <p>13 A. Even if they were accidental, my signature</p> <p>14 block appears and I stand by my signature block for</p> <p>15 everything that was filed.</p> <p>16 Q. Okay.</p> <p>17 MR. FISHER: Pass the witness.</p> <p>18 EXAMINATION</p> <p>19 BY MR. DUNWOODY:</p> <p>20 Q. Ms. Norman, you said that you met Mr. Beers</p> <p>21 about 12 or 13 years ago; is that right?</p> <p>22 A. Around there, 15 years ago. I don't remember.</p> <p>23 Something like that.</p> <p>24 Q. Okay. And at some point before this lawsuit</p> <p>25 with Imperial Lofts and the formation of the Texas</p>
<p>111</p> <p>1 asking --</p> <p>2 A. Well, I'm just telling you no.</p> <p>3 Q. Okay. And you're going to tell me why you</p> <p>4 included these documents in this pleading?</p> <p>5 A. Under the attorney/client, work product</p> <p>6 privilege, no, sir. The documents speak for themselves.</p> <p>7 MR. BITGOOD: Same objection here.</p> <p>8 Q. (BY MR. FISHER) All right. And then the -- I</p> <p>9 don't know if this is a separate pleading or this was an</p> <p>10 attachment to the pleading that we were just talking</p> <p>11 about, so let me take a look. I think it was a separate</p> <p>12 pleading, this renewal of a request on file in the case</p> <p>13 now renewed and applicable to the associated associate</p> <p>14 judges. Do you see that?</p> <p>15 A. I see that.</p> <p>16 Q. All right. Do you know if that was a separate</p> <p>17 pleading or whether it was an attachment to -- I think</p> <p>18 there's a list of exhibits, actually, so let me look. I</p> <p>19 think it's a separate pleading.</p> <p>20 A. It has to be a separate pleading because of the</p> <p>21 filing date.</p> <p>22 Q. Yeah. All right. While we're looking at that,</p> <p>23 though, that pleading also reflects your signature block</p> <p>24 on Page 4?</p> <p>25 A. Yes, sir.</p>	<p>113</p> <p>1 entity with the Lewis Brisbois name, did Mr. Beers ever</p> <p>2 serve as your attorney?</p> <p>3 A. Yes.</p> <p>4 Q. And can you briefly describe what those</p> <p>5 circumstances were?</p> <p>6 A. He represented me before the State Bar of</p> <p>7 Texas.</p> <p>8 Q. And was that the only occasion where he was</p> <p>9 your attorney or were there others?</p> <p>10 A. There were at least -- there were two cases</p> <p>11 that I recall.</p> <p>12 Q. And the Texas entity, Lewis Brisbois, you</p> <p>13 understand that one of the issues in the case is whether</p> <p>14 or not the Lewis Brisbois name was ever used for</p> <p>15 commercial purposes. Do you understand that?</p> <p>16 A. Yes.</p> <p>17 Q. Was there ever, to your knowledge, any use of</p> <p>18 the Lewis Brisbois name for commercial purposes?</p> <p>19 A. No, other than -- a lawsuit's not a commercial</p> <p>20 purpose.</p> <p>21 Q. Well, let me ask you a different way. Did you</p> <p>22 ever make any money with this Lewis Brisbois Texas</p> <p>23 entity?</p> <p>24 A. No.</p> <p>25 Q. Did you ever have any prospects for making</p>

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114 1 money with the Lewis Brisbois Texas entity? 2 A. No. 3 MR. FISHER: Objection, form. 4 Q. (BY MR. DUNWOODY) Did you ever make any 5 capital contributions to the Texas entity Lewis 6 Brisbois? 7 A. No. No. 8 Q. To your knowledge, did the Texas entity Lewis 9 Brisbois ever own any physical assets? 10 A. No. 11 Q. Did it have any bank accounts? 12 A. No. 13 Q. Did it ever have any revenues of any kind? 14 A. No. 15 Q. Did it ever have any kind of advertising that 16 was done? 17 A. No. 18 Q. I saw at one point a business card with the 19 name of that Texas Lewis Brisbois on it. 20 A. The parody business card? 21 Q. Well, I think the answer to that is yes, but I 22 was going to ask you can you please describe the 23 circumstances surrounding the creation of that business 24 card? 25 A. I absolutely cannot. I have no knowledge of	116 1 provide any mediation services? 2 A. No. 3 Q. Did it ever provide any arbitration services? 4 A. No. 5 Q. Did it ever provide any kind of legal services 6 of any kind? 7 A. No. 8 Q. Did it ever provide any kind of services to 9 anyone? 10 A. No. 11 Q. Did it ever have any clients? 12 A. No. 13 Q. And that Texas entity has now been dissolved; 14 is that right? 15 A. Yes. 16 Q. One of the questions that -- or several of the 17 questions, I guess, that you got earlier were asking 18 you, you know, whether or not you might be inclined to 19 use the name "Lewis Brisbois" at some point in the 20 future. My question to you is: Are there any 21 circumstances where you would ever use that Lewis 22 Brisbois name at any point in the future? 23 A. No. 24 Q. Have you enjoyed being a party in this lawsuit? 25 A. No.
115 1 the circumstances of the creation of that business card. 2 Q. You referred to it as a parody. Why did you 3 say that? 4 A. No sane business person would put that business 5 card together and expect that it be used for a 6 commercial purpose. 7 Q. What is it about the business card that made 8 you say that -- made you say that? 9 A. Well, I don't recall everything about it, but 10 as far as I recall, there was a picture of the -- I 11 forgot what the name of -- a cannon on the back and 12 lettering on the back, which was -- as best I could 13 describe, it was sarcasm and a parody. 14 Q. Well, I believe I've seen something about the 15 statement "come and take it." Is that what you're 16 talking about? 17 A. That's part of it, but I don't recall 18 everything on the back, but I have actually took it as 19 an absolute joke, not commercially viable business card. 20 Q. Did the Texas entity ever -- Texas Lewis 21 Brisbois entity ever have any employees? 22 A. No. 23 Q. And you said it has not filed any tax returns? 24 A. Has not. 25 Q. Did that Texas Lewis Brisbois entity ever	117 1 Q. Why not? 2 A. It's a frivolous lawsuit designed to undo a 3 state court case which the plaintiff in this federal 4 case lost in state court by not taking appropriate 5 action by just doing nothing. 6 It has not -- it's been a great distraction 7 from my personal life. I take care of a disabled 8 elderly person 24 hours a day. It has impacted my 9 private law practice with an all-day deposition like 10 this, which is not related so far as I can see to the 11 federal case. 12 There's no -- there's no point. I see no 13 point. It's a frivolous lawsuit. It appears to be 14 designed to harass and undo a state court case, so no, 15 I've not enjoyed it. 16 Q. Has it been a pleasant experience for you being 17 a party in this lawsuit? 18 A. No, it has not. 19 Q. And you'd say it's been a distraction from your 20 law practice? 21 A. It's been a complete distraction. 22 Q. It's taken time away from your law practice? 23 A. It's taken time away from my personal life as 24 well as from my law practice. 25 Q. Did you expect to get sued for forming this

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1 Texas Lewis Brisbois entity?	1 concurrent jurisdiction?
2 A. No.	2 A. I believe I do.
3 Q. In retrospect, do you wish that you could have	3 Q. Okay. You've read the supreme court cases
4 avoided the headache by having not formed the entity in	4 dealing with concurrent jurisdiction?
5 the first place?	5 A. Yes.
6 A. I would like to have avoided this headache.	6 Q. You also understand the Palmer Doctrine?
7 Okay? I would have expected the resolution of this	7 A. Yes.
8 complaint to have been resolved in state court where it	8 Q. The Rooker-Feldman doctrine?
9 absolutely could have been, but was not.	9 A. Yes.
10 Q. Is there any chance that a situation like this	10 Q. And you were present when Judge Ellison made
11 would arise again in the future with you?	11 the following statement, that this case has outlived its
12 A. No.	12 usefulness?
13 MR. DUNWOODY: Pass the witness.	13 A. Yes, sir, I was.
14 MR. FISHER: Mr. Bitgood, do you have any	14 Q. Okay. And one last thing because there seems
15 questions?	15 to be a harp on general partnership as opposed to
16 MR. BITGOOD: Ms. Norman, I have a few	16 limited. Have you ever in your life made a
17 questions for you.	17 typographical error on a document?
18 EXAMINATION	18 MR. FISHER: Objection, form.
19 BY MR. BITGOOD:	19 A. Yes.
20 Q. You've been shown a litany of pleadings of	20 Q. (BY MR. BITGOOD) Okay. Is it possible that
21 exhibits that are all state court pleadings. Can you	21 although the top of the document says limited
22 recall at any time when anyone from Lewis Brisbois made	22 partnership, whoever prepared it might have put general
23 any objections to the state court as to the use of our	23 partnership?
24 name Lewis Brisbois?	24 A. Yes.
25 MR. FISHER: Objection, form.	25 Q. Thank you. And again, all of this was
119	121
1 A. No.	1 litigated in a state court in Fort Bend County, Texas,
2 Q. (BY MR. BITGOOD) Can you recall at any time	2 correct?
3 when Lewis Brisbois objected at any time to the use of	3 A. County Court At Law Number 3, yes.
4 the name Lewis Brisbois, a domestic partnership?	4 Q. And they had a chance to object to anything
5 MR. FISHER: Objection, form.	5 that was going on. Did they object?
6 A. No.	6 A. They being the California LLP?
7 Q. (BY MR. BITGOOD) Do you remember Judge White	7 Q. Correct.
8 admonishing Mr. Oubre on August the 31st as to the	8 A. Yes.
9 severity of the a Rule 12 motion?	9 Q. And do you recall when they tried to mount an
10 MR. FISHER: Objection, form.	10 appeal in front of Judge Juli Mathew to Judge White's
11 Q. (BY MR. BITGOOD) In fact, the judge told him,	11 ruling?
12 I'm not being facetious. Do you know what you're doing?	12 A. I recall.
13 MR. FISHER: Objection, form.	13 Q. Do you remember what Judge Mathew asked Mr.
14 A. I recall that.	14 Braun, where is your objection to the lower court after
15 Q. (BY MR. BITGOOD) And that would be in Bitgood	15 taking up two days of my associate judge's time?
16 Exhibits 1 through 15 that have already been admitted	16 MR. FISHER: Objection, form.
17 into evidence in this case; is that correct?	17 A. I recall.
18 A. Admitted into evidence in the federal case,	18 MR. BITGOOD: That's all I have. Pass the
19 yes.	19 witness.
20 Q. Yes. Okay. All of these pleadings, all of	20 MR. FISHER: I have a few more followup
21 these matters that Mr. Fisher gave have either been	21 questions.
22 litigated or are pending in a state court; is that	22 EXAMINATION
23 correct?	23 BY MR. FISHER:
24 A. Yes, sir.	24 Q. First of all, with respect to general
25 Q. As an attorney, ma'am, do you understand	25 partnership and limited partnership, I think you've

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<p>1 already testified that you really don't know the 2 distinction between the two?</p> <p>3 A. It has been 30 years since I did anything with 4 forming any entity, so no.</p> <p>5 Q. Okay. So if I ask you the question who -- who 6 were the general partners and who were the limited 7 partners of your partnership with Mr. Bitgood, you 8 really can't answer that?</p> <p>9 A. No.</p> <p>10 Q. Was there a partnership agreement between the 11 two of you, written partnership agreement?</p> <p>12 A. No.</p> <p>13 Q. Okay. You said Mr. Beers represented you 14 before a State Bar of Texas proceeding?</p> <p>15 A. Yes.</p> <p>16 Q. When was that?</p> <p>17 A. Oh, my gosh. I don't recall. 2009 maybe, 18 2000 -- I don't recall. It was a case the state bar 19 dismissed, two cases they dismissed.</p> <p>20 Q. And what were those cases about?</p> <p>21 MR. BITGOOD: Objection, form. Objection, 22 form.</p> <p>23 A. A grievance was filed against me, one of them 24 relating to whether or not I had given my clients money 25 to an improperly appointed guardian.</p>	<p>122</p> <p>1 A. Use of a name without an appropriate filing 2 give rise to criminal charges.</p> <p>3 Q. All right. You don't need to use an entity to 4 use a name. You could just simply use some names?</p> <p>5 A. Of course you do unless you want to go -- 6 unless you want to commit a crime.</p> <p>7 Q. You can use an assumed name certificate, could 8 you not?</p> <p>9 A. That is -- that is forming an entity under -- 10 for use in a county.</p> <p>11 Q. Respectfully, ma'am, it's not.</p> <p>12 A. Well, that's my opinion.</p> <p>13 MR. BITGOOD: Objection, argument -- 14 objection, argumentative.</p> <p>15 Q. (BY MR. FISHER) Now you're saying that the 16 actions by my law firm in bringing this lawsuit are 17 frivolous?</p> <p>18 A. Yes.</p> <p>19 Q. That's your opinion, but what was the purpose?</p> <p>20 We never really heard a stated purpose for you and 21 Mr. Bitgood forming a partnership known as Lewis, 22 Brisbois, Bisgaard & Smith, so what would that purpose 23 be if not frivolous?</p> <p>24 A. The purpose, if you look at the letterhead, 25 mediations and arbitrations. And it goes back to</p>
<p>1 Q. (BY MR. FISHER) And the other one?</p> <p>2 A. An attorney filed a grievance against me for 3 representing him when it was shown that he had lied to 4 the state bar in the grievance -- the lawsuit. The 5 grievance was dismissed.</p> <p>6 Q. Okay. I heard all the questions by 7 Mr. Dunwoody relating to whether your partnership with 8 Mr. Bitgood had a bank account, conducted business, had 9 any clients, conducted any mediations or arbitrations.</p> <p>10 But your partnership did maintain a lawsuit 11 and is now a defendant, obviously, but it did maintain a 12 lawsuit against -- as a plaintiff against my law firm, 13 did it not?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. You said you wouldn't use the name in 16 the future. That was your statement?</p> <p>17 A. I'm not in the business of committing a crime 18 in the future, so yes, that is my statement.</p> <p>19 Q. What would the crime be?</p> <p>20 A. The crime would be using that name without 21 filing as an entity of some sort with either the 22 Secretary of State or the county.</p> <p>23 Q. Okay. I think you said earlier you think that 24 that's -- that those facts alone give rise to a 25 misdemeanor. That was your testimony?</p>	<p>123</p> <p>1 something you said earlier talking about legal services.</p> <p>2 An attorney can provide legal services 3 including mediation and arbitration, but an arbitrator 4 and a mediator does not have to be an attorney. So for 5 the standpoint of legal services, this LLP was not 6 formed for providing legal services.</p> <p>7 It was to provide mediation and arbitration 8 services to persons situated such as Mr. Jones and other 9 tenants in Fort Bend County who were being wrongfully 10 evicted by the Imperial Lofts Group, Imperial Lofts, 11 Imperial Lofts, LLC, services because generally people 12 who live in apartments and tend to get -- and who are 13 getting evicted can't afford legal services, can't 14 afford to have somebody represent them at the JP level.</p> <p>15 Q. So this entity was formed, then, to represent 16 those folks and to see that justice was carried out?</p> <p>17 A. And to see that justice was carried out. Thank 18 you. I appreciate that phrase.</p> <p>19 MR. FISHER: Pass the witness.</p> <p>20 MR. DUNWOODY: Nothing further.</p> <p>21 MR. FISHER: Mr. Bitgood?</p> <p>22 EXAMINATION</p> <p>23 BY MR. BITGOOD:</p> <p>24 Q. Ms. Norman, you were aware during the COVID 25 crisis that the Texas Supreme Court urged all lawyers</p>

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<p>1 and anybody who could represent people in JP court to do 2 so and come forward; is that true? 3 A. That is true. 4 Q. And you formed this entity with me to represent 5 those people in JP court at no charge; is that correct? 6 A. That is correct. 7 MR. BITGOOD: Pass the witness. 8 MR. FISHER: Objection, form on that last 9 question. 10 MR. BITGOOD: You're supposed to make the 11 objection before she answers, but we're going to let you 12 make it there. 13 MR. FISHER: Thank you. 14 THE WITNESS: Am I free to go? 15 THE VIDEOGRAPHER: Anybody else? 16 MR. FISHER: You're free to leave. 17 THE VIDEOGRAPHER: We are going off the 18 record. The time is -- 19 MR. BITGOOD: In the words of the honorable 20 O'Neill Williams, go and sin no more. 21 THE VIDEOGRAPHER: We are going off the 22 record. The time is 2:52. 23 (Deposition concluded at 2:52 p.m.) 24 25</p>	<p>126 1 I, SUSAN C. NORMAN, have read the foregoing 2 deposition and hereby affix my signature that same is 3 true and correct, except as noted above. 4 5 SUSAN C. NORMAN 6 7 8 9 THE STATE OF _____ 10 COUNTY OF _____ 11 12 Before me, _____, on 13 this day personally appeared SUSAN C. NORMAN, known to 14 me (or proved to me under oath or through 15 _____) (description of identity 16 card or other document)) to be the person whose name is 17 subscribed to the foregoing instrument and acknowledged 18 to me that they executed the same for the purposes and 19 consideration therein expressed. 20 Given under my hand and seal of office this 21 _____ day of _____, _____. 22 23 24 25 NOTARY PUBLIC IN AND FOR THE STATE OF _____ COMMISSION EXPIRES: _____</p>
<p>1 2 WITNESS NAME: SUSAN C. NORMAN DATE: AUGUST 16, 2023 3 PAGE LINE CHANGE REASON 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____</p>	<p>127 129 1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF TEXAS 3 HOUSTON DIVISION 3 LEWIS, BRISBOIS, BISGAARD) 4 & SMITH, LLP,) 4) 5 PLAINTIFF,) CIVIL ACTION NO: 5) 4:22-CV-3279 5 VS.) 6) 6 MICHAEL JOSEPH BITGOOD) 7 a/k/a "MICHAEL EASTON," ET) 7 AL,) 8) 8 DEFENDANTS.) 9 10 REPORTER'S CERTIFICATION 10 DEPOSITION OF SUSAN C. NORMAN 11 AUGUST 16, 2023 12 13 I, Allison Garrett, Certified Shorthand Reporter in 14 and for the State of Texas, hereby certify to the 15 following: 16 That the witness, SUSAN C. NORMAN, was duly sworn 17 by the officer and that the transcript of the oral 18 deposition is a true record of the testimony given by 19 the witness; 20 I further certify that pursuant to FRCP Rule 21 30(e)(1) that the signature of the deponent: 22 XXX was requested by the deponent or a party before 23 the completion of the deposition and is to be returned 24 within 30 days from the date of receipt of the 25 transcript. If returned, the attached Changes and</p>

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1 Signature Page contains any changes and the reasons
2 therefor;
3 _____ was not requested by the deponent or a party
4 before the completion of the deposition.
5 I further certify that I am neither counsel for,
6 related to, nor employed by any of the parties or
7 attorneys in the action in which this proceeding was
8 taken. Further, I am not a relative or employee of any
9 attorney of record in this cause, nor am I financially
10 or otherwise interested in the outcome of the action.
11 Certified to by me this 31st day of August, 2023.
12
13 
14
15 Allison Garrett, Texas CSR 8329
16 Expiration Date: 4/30/2025
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